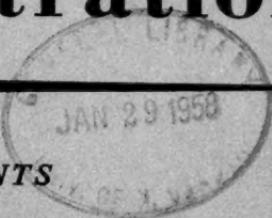


VOLUME XXXV

WINTER 1957

# Public Administration



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# **PUBLIC ADMINISTRATION**

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**JOURNAL OF THE ROYAL INSTITUTE OF  
PUBLIC ADMINISTRATION**

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THIS JOURNAL is dedicated to advancing the understanding of administration through empirical investigation and theoretical analysis.

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THE GRADUATE SCHOOL OF BUSINESS AND PUBLIC ADMINISTRATION,  
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# **Do We Need Government Information Services?**

By T. FIFE CLARK, C.B.E.

*This talk was given on 11th March, 1957, in the Institute's series of lecture-discussions on "Basic Questions in Government To-day." Mr. Fife Clark is Director General of the Central Office of Information.*

THE title I have been given for this talk is "Do We Need Government Information Services?" I accept this under protest! It seems to me that in 1957, after more than ten years with a Central Office of Information and almost a whole generation of experience of Departmental Press and Public Relations Divisions, the question is not whether, or even why, but how and how much. I will try to explain *why*, and say something about *how*; but hope that no one will expect me, at a time when the Chancellor of the Duchy of Lancaster in his new capacity as co-ordinator of Government Information Services is carrying out an enquiry into the volume and disposition of overseas expenditure in this field, to be very definite about *how much*.\* As a preliminary to discussion, I will offer a few generalisations and give a brief history of information work as a specialised function of government both at home and abroad, and some account of principles and practices as I see them, and of the current organisation of this work in a Government Department and for the Government as a whole.

## *The Growth of Government Information Services*

What we are concerned with tonight is a deliberate, sustained, and comprehensive effort to collect and issue official news and explanation. Giving and getting information has, of course, always been a part of government—a normal function of Departments at home and of diplomatic missions abroad. The growth of specialised machinery for this purpose has been due to a tremendous increase in people's need for information and capacity to imbibe it—due largely to the widening impact of public schemes and to universal education—coinciding with intensive expansion of the means of dissemination. We have seen, in the last 35 years, the birth of radio and of sound films, the development of colour photography and other techniques of visual reproduction, newspapers and magazines with greatly increased circulations finding more "news value" in public affairs, and generally an immense growth in the producing and distributing mechanisms of publicity

\*The White Paper on *Overseas Information Services* (Command 225) published in July, 1957, following a Ministerial inquiry, concluded: "Britain's full influence can be exercised only if we are prepared to devote enough effort and resources to ensuring that the peoples of other countries have every opportunity to understand our ideas, our policies and our objectives. Furthermore, we shall strengthen our economic position only if our efforts include vigorous salesmanship overseas." The White Paper announced an expansion of the order of 15 per cent. in terms of annual revenue expenditure —i.e., a total of £15,000,000 a year compared with £13,000,000 currently expended—as "necessary to maintain Britain's Information Services at a level consistent with our world-wide responsibility and to ensure the necessary reinforcement of our national policies and our associations in the defence of the free world."

culminating in the arrival of television with its still only partly developed power of combined appeal to eye and ear. Now we stand on the threshold of an age of colour television. This growth in the media of mass communication has been accompanied by a vast increase in the size and complexity of the units of Industry and Government and an ever advancing pace of central and local government machines.

In short, as the public's need for information has increased, so have the means of both stimulating and satisfying it.

The first use by Government of a specialised information service was probably in 1912 after the passing of the National Insurance Act when, on the instructions of Mr. Lloyd George, the Insurance Commission organised a corps of lecturers to explain the new legislation to employers and workers in all parts of the country. Mr. Lloyd George accepted, as Sir Kingsley Wood did at the Post Office and the Ministry of Health more than 20 years later, that the provision of information to the public is an integral part of modern administration and that every large organisation serving the public needs a public relations policy and machinery to carry it out. If you look at later history, two points stand out :

- (1) The first Departments to have Information Officers were the Social Departments which had daily contact with the general public—e.g., the Post Office, the Ministry of Health and the Ministry of Labour—and the last were the Departments concerned with trade and finance.
- (2) The organisations set up in the first place were Press Offices to deal with enquiries but these later developed, in the 30s and still more the 40s, into what were usually called Public Relations Divisions, trying not only to meet the needs of Press and B.B.C. but also making use of other forms of publicity as a means of implementing departmental policy.

The Ministry of Health set up a Housing Information Office in 1919. By 1939, before the outbreak of war and formation of a Ministry of Information, there were Public Relations Divisions in almost all the Social Service Departments and a Chief Press Liaison Officer at 10 Downing Street. In the meantime there had been the very interesting experiment, between 1926 and 1933, of the Empire Marketing Board which used part of its Government grant of £1,000,000 a year for publicising the Board's aims and the Empire's resources through films, posters and exhibitions. One of the most lasting efforts of the Empire Marketing Board was the creation of the Central Film Library which is now run by the Central Office of Information ; but the E.M.B. Film Unit, after a very productive life under that name and later as the G.P.O. Film Unit and the Crown Film Unit, died in 1952.

Sir Stephen Tallents, the Secretary of the Empire Marketing Board, was an administrator whose great achievement was that he made use of publicists and creative artists of high talent to make the work and scope of the Empire Marketing Board " come alive " in the minds of the public. He continued this policy later while Public Relations Officer of the Post Office in the middle '30s, collecting together a number of pioneers of the documentary film movement, including John Grierson, Cavalcanti, Basil Wright and Len Lye. You will remember that it was in this period that *Night Mail*, with commentary

## DO WE NEED GOVERNMENT INFORMATION SERVICES?

by W. H. Auden and musical sound-track by Benjamin Britten, was produced ; and both then and later as the Crown Film Unit this organisation made a tremendous contribution to the documentary film story. Some of these films are still being regularly shown in many parts of the world.

The Ministry of Food is the only Department which was born with a full-scale Public Relations Division. Popular education played a fundamental rôle in the schemes prepared by Sir Henry French's Food Defence Plans Department in 1938, even before Lord Woolton took charge, and in securing public confidence in rationing and food policy generally when the war came.

### *The Post-War System*

The post-war system established when the Ministry of Information came to an end is founded on the statement made to Parliament announcing the formation of the Central Office of Information in 1946, that information services had an important and permanent part to play in the machinery of government under modern conditions. This declaration went on to say—and here in this sentence are the objectives of our official information services :

“ It is essential to good administration under a democratic system that the public shall be adequately informed about the many matters in which Government action directly impinges on their daily lives and it is, in particular, important that a true and adequate picture of British policy, British institutions and the British way of life shall be presented overseas.”

Three years later an official committee under the chairmanship of Sir Henry French which enquired into the working of the home information services confirmed this conclusion. “ The justification for some Government information services is beyond question,” said the report. “ The citizen has a right to be told, and the Government has a plain duty to tell him, what it is doing in his name, and with his money, and why.”

Then in 1949 came the Treasury’s decision to set up a new class of the Civil Service, the Information Officer Class. This was an important event, resulting in the establishment of some 250 men and women—Press officers, artists, book editors, film, advertising, exhibition and other specialists. The Information Officer Class has been adopted by all Home Departments and all the Overseas Departments except the Foreign Office.

### *The Overseas Information Services*

Overseas, the effect of the development of mass communication had been that governments—the British certainly not among the first—no longer limited their interest to the small official world with which their diplomatic representatives overseas were in personal contact but began to try to influence public opinion in other countries towards understanding and supporting their foreign policies. A powerful machine established in the later stages of the first world war was scrapped as soon as the fighting was over ; but in the 1920s, just about the time when the first press officers had started work in Whitehall, the Foreign Office appointed one or two press attachés to the more important Embassies and established the British Library of Information in New York.

Not until the 1930s were any serious steps taken to compete in a field in which other countries, notably Germany and Italy, were already active. In 1932 the Empire Service of the British Broadcasting Corporation was started and this was the core around which the External Broadcasting Services were built; in 1934 the British Council came into being and on the outbreak of war in September, 1939, a fully fledged Ministry of Information was created.

The report of the independent committee under the chairmanship of the Earl of Drogheda which made a thorough investigation of the overseas information services in 1952-53 was on the same lines as those of other enquiries into the official information services. "At first," said the members of the Committee, in their report published in 1954 "we were inclined to be sceptical about the value of activities which are still comparatively new and have been the subject of much criticism. Moreover, we could not but feel suspicious of this invasion by Government of a field which in the not very distant past could be left to non-official agencies. Nevertheless, we have found it impossible to avoid the conclusion that a modern Government has to concern itself with public opinion abroad and be properly equipped to deal with it."

Thus through the Drogheda Report, the principles of which were accepted by Sir Winston Churchill's Government, overseas information services were formally confirmed as part of the normal apparatus of modern diplomacy, with the triple objectives of helping to support the nation's foreign policy, strengthen the Commonwealth and increase our foreign trade.

So much for the *why* of this information business. I submit on the evidence I have quoted that for some years now it has been agreed—yes, even, by a large majority vote, in Fleet Street—that every Government has both a need and a duty to give out information as fully, promptly and regularly as possible, abroad as well as at home, and that this cannot be done without special organisation and staff.

#### *How Government Information Services Work*

I would like now to make a few observations on the question of *how*, with particular reference to the home services.

On the general principles of governmental and departmental public relations, the object must be threefold—to :

- (1) Supply the day-to-day needs of the Press, the B.B.C., I.T.V. and other normal news channels as fully and promptly as is practicable.
- (2) Ensure that every official announcement is considered before issue from the point of view of how it will look to press and public. The administrators and executive officers concerned with the statement know what it means, because the whole matter is very familiar to them already—but will the public understand it? Are the facts plainly stated? What questions will the newspapers ask?
- (3) Use paid-for publicity when this is clearly essential for administrative purposes—e.g., press advertisements, posters, films, leaflets and so on, to recruit men and women for the Regular Forces and Civil Defence;

## DO WE NEED GOVERNMENT INFORMATION SERVICES ?

for health education ; to teach road safety ; to explain new legislation such as the National Insurance, National Health Service, Housing and Planning Acts.

It is necessary to organise a flow of information out of and into the Department for two reasons. The first is that information oils the wheels of administration—it is easier and more effective to deal with reasonably well informed people. The second is that the Press and the radio and television corporations are always seeking news and some of this only official authorities can supply. Press and broadcasting are free agencies—free in two senses : their space and time costs the Department nothing but they are free to use official information or not use it and to publish it in a form which they themselves decide. Members of the general public for their part need information—which they can get either individually and directly or through mass publicity channels—in two capacities : as householders, traders and consumers who have to find their way around a complicated world, and as citizens who need facts so that they can understand what is going on and form their own opinions.

Any problem of publicity, whatever its size and nature, can best be approached by first getting clear answers to three questions—and these questions must be discussed with the Information Division in good time by the officers responsible for policy and its execution :

- (1) What has the Department got to say—i.e., what is the *Message* ?
- (2) To whom do you need to give this information—i.e., what is the *Audience* ?
- (3) How can you get that Message to that Audience most quickly, clearly and cheaply—i.e., what *Media of Communication* should be used ?

There is also the very important question of timing. Too often the Administrator tells the Publicist that it must be " Today " or " Tomorrow." The timing should be carefully discussed. It ought to be the best possible for Department, newspapers and public but the rights of Parliament may be involved also, and account must be taken of the fact that some kinds of publicity take a little time to arrange. Then when these questions have been answered, decisions can be taken about the general lines and details of presentation in the various forms of publicity which are to be used.

It follows from this, I think, that there are three Golden Rules for the Information Officer :

*Know Your Message*—all about the Department, its business, its officers, their problems and policies.

*Study Your Audience*—what and where it is, its way of life, its troubles and worries, what it needs to know, how much it knows already, how much more it is likely to be able to absorb. Of course the audience for a particular message may not be the whole population but a section of it—the farmers, factory workers, motorists, house- or landowners, parents, employers or school-leavers.

*Understand the Media of Publicity*—the information man must be master, though still student, of the technology of his business. There are the newspapers, radio, television, and the publicity you must pay for such as

press advertisements, posters, films, exhibitions and leaflets. I would say myself that taken together newspapers, magazines, radio and television probably account for more than 80 per cent. of the knowledge of current affairs among ordinary men and women in this country; but when a Department has an important message which ought to reach people throughout the country, it may not be enough to make use of the free agencies. In a publicity campaign it is necessary to play every instrument in the orchestra—advertisements, films, posters, exhibitions and so on. These make it possible to repeat information which does not keep its news value long enough to be sustained in the editorial columns. Paid-for publicity also enables the Department to present its message in full and in its own way.

*Organisation of an Information Division in a Government Department*

In an average Department of the Government the Information or Public Relations Division—either name is used—is divided into three sections headed by a Chief Information Officer.

The first is the Press Office, which supplies news and explanation to the newspapers, magazines, specialist journals, cinema newsreels, radio and television at home and to the Overseas Departments for use abroad. It arranges distribution of summaries of White Papers and other Parliamentary documents, Departmental reports and statements and answers the questions which come in almost every minute not only from national and provincial newspapers in this country but also from the London representatives of newspapers in the Commonwealth, the United States and other parts of the world. It also arranges facilities for reporters and photographers to get their own stories—through visits to Government establishments and interviews with experts—and organises occasional press conferences at which the Minister or a leading official makes a statement and answers questions.

It may be asked—one newspaper has often raised this point and it is a fair one—whether it is really necessary to have a special office to deal with press enquiries. Could we not go back to the good old system of direct access to the official responsible for the subject in which the journalist is interested? This is of course the right system for small organisations, and it was the only one which existed in some parts of Whitehall in the peace of the early 30s. Then it was usually possible for a journalist during a personal call at a Department to identify and secure access to the officer who could answer his questions: but this process took most of an afternoon and in that time a Press Officer now answers at least a score of enquiries made by telephone.

It was newspapermen themselves who asked for the canalisation of press inquiries, because as Government became at once more complicated and more newsworthy, they found it increasingly difficult to get the information they wanted in the time they could spare. The single-channel system is the only one which is workable in modern conditions but it is the Department's duty to see that information flows constantly along it. The Information Officer must also open direct channels between the Press and "top management" as often as he can. In fact officials in central and local government, as in industry, are having to devote a large and increasing amount of time to press,

## DO WE NEED GOVERNMENT INFORMATION SERVICES?

broadcasting and publicity matters, even though they are unable to handle 40 or 50 journalists and a few camera crews every time their organisation hits the headlines.

It is not an easy job to run a Press Office—to stand exposed to questions on any subject within the field of the whole Department, from any journalist at any time of the day or night, seven days a week. His is work which moves at the speed of news. At every hour there are editions hurrying to press and radio bulletins being prepared.

Moreover, a Press Officer is subject to certain occupational risks, including the lingering tendency to confuse spokesman with announcement—you will recall how, in the Middle Ages, kings ordered the execution of heralds who brought bad news! This is never a job which can be done comfortably. Certainly it cannot be done efficiently unless the Press Officer's internal and external relationships are right. He must know most of the press men personally, appreciate their needs, habits and way of looking at things and be known to them as a man who does his best to get the information they want even if he does not always succeed.

What the Information Division asks of the rest of the office is that they should understand and sympathise with the needs of the Press Office; forgive it for making mistakes and for being a nuisance at busy times; and remember that above all else the Press Officer needs warning in good time about action likely to be taken and policies being changed. Discussion—confidential and provisional—ought to start well in advance of the time when a situation will be reached enabling a public statement to be made.

The second section of the Information Division is the Publicity Section, handling films, posters, leaflets, press advertising and other paid-for material. It works in close co-operation with the Central Office of Information and in many cases with Local Authorities.

The third section of the Division is usually an Intelligence or Briefing Section, which collects information in and about the Department and feeds it in a roughly processed form to the Press and publicity sections and to the Reference Division of the C.O.I. for use overseas. In some Departments, the Public Relations Division also has charge of the Public Enquiry Rooms, and in at least one, of the General Library.

In short, the Information Division offers a common service of publicity advice and machinery which can be used not only by the Department as a whole but also by particular sections of it. For instance, publicity techniques can often help in internal relations, which are the responsibility of Establishments Division. We have done something at the Central Office of Information to help the Ministry of Pensions and National Insurance to explain how the detailed work of a Clerical Officer at the Newcastle Headquarters fits into the national scheme. And of course external publicity influences staff attitudes. Every postman walks with a lighter step after seeing *Night Mail*.

### *Overall Organisation of the Government Information Services*

Since information is an integral part of each Department's policy and activities for which the appropriate Minister is answerable to Parliament, each Minister must have responsibility for information policy. The execution

of information policy is carried out in this way—each Ministerial Department whether home or overseas, is responsible for its dealings with the national press and the broadcasting authorities, but for paid-for publicity of all kinds and for regional services it looks to the Central Office of Information, which has its own Vote of funds from Parliament. Information work is thus carried out from the Department's own base but assisted and supplemented by a common service of publicity advice and production. In this country the C.O.I. also provides a distribution service, Photographs Library and Central Film Library. Abroad, it delivers daily radio press services and a wide range of other material to about 100 information posts in the major Embassies, High Commission Offices and Colonies throughout the free world. Here the material is handled and distributed in accordance with local judgement and opportunities by Information Officers who are employed by the Foreign Office, the Commonwealth Relations Office, the Colonial Office and Colonial Governments.

*The role of the Central Office of Information*

The External Services of the B.B.C. and the British Council also have most important parts to play in the projection of Britain overseas. It is not for me to describe the activities of these two great organisations ; and I can do no more than give a very brief account of the organisation and work of the C.O.I. as the non-Ministerial Department which provides information material and services for all other Departments of the Government.

The advantages of centralised production, as set down by a number of committees of enquiry during the past few years, are that not only is it more economical but it also ensures a high standard of quality over the whole range of Government Departments (the C.O.I. has more than 40 customers, of varying types and sizes) and better control and accounting of total expenditure. This does not affect the staffing of Press Offices—the pooling of press services is rarely a practicable proposition, although in a few countries all Departmental information staffs are outposted from a Ministry of Information—but it means that the publicity sections of Whitehall Departments do not need to be staffed by highly specialised officers but are headed in nearly every case by a general publicity man. The C.O.I. on the other hand is organised on a craft basis and staffed by specialists grouped in divisions. These are responsible for films—made for television as well as cinema and special showings—press material for overseas, exhibitions, photographs and photographic displays, reference material, books, magazines and pamphlets, press and poster advertising and leaflets. In addition there are the Regional Offices and the Welsh Office which provide a common service for Departments in the provinces. Then there is the Social Survey Division, a research unit which supplies Government Departments with social facts and figures obtained on a sampling basis direct from the public ; and a Tours and Facilities Section which, with the help of the Regional officers, Local Authorities and industrial managements in all parts of the country, takes care of official parties of visitors (usually local government leaders, government officials, journalists and trade unionists) brought here by the Foreign Office, Commonwealth Relations Office and Colonial Office to see Britain and its

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people for themselves. A Distribution and Shipping Section despatches to Embassies and Commonwealth Posts all over the world not only all the publicity material produced by C.O.I. but also supplies of British newspapers, periodicals, and industrial publications. The Colonial Office, Commonwealth Relations Office and C.O.I. staffs devote a great deal of time to the training of Information Officers from overseas, particularly Africa and Asia where—as I am sure members of the Royal Institute of Public Administration will agree—it is of great importance that the young information services should grow up with a knowledge of British principles and practice.

The Central Office of Information supplies material and services of all kinds other than for sound broadcasting from the United Kingdom—which is the responsibility of the B.B.C. External Services—and covers all subjects except the purely cultural (the responsibility of the British Council). Thus the overseas information services consist of three agencies working with four Ministerial Departments (Foreign, Commonwealth Relations and Colonial Offices and Board of Trade). In 1954 the Drogheda Committee commented :

“ For anybody who approaches the Information Services from outside the first impression is likely to be one of bewilderment at the complexity of the organisation and its lack of any central direction. One seeks in vain for any individual or Department in a position to lay down an overall policy for our propaganda overseas or able to decide in what manner the resources available for propaganda can be deployed to best advantage. In fact, there is nothing which constitutes a ‘ High Command ’ for overseas propaganda. With the existing pattern of Ministerial responsibility in which a number of Ministers have some responsibility for different aspects of the work, no such overall control over policy and its execution is possible, except ultimately at Cabinet level. The existing system of decentralised control is based on the principle, which we believe is sound, that since propaganda is an instrument of policy, responsibility for it must be separately vested in the Ministers responsible.”

In Lord Attlee’s Government of 1945-50 the Lord President of the Council had a general responsibility for the co-ordination of information services ; and under Sir Winston Churchill, Lord Swinton was charged with co-ordination of home information. The first appointment in peace-time, however, of a Cabinet Minister responsible for the co-ordination of Government Information Services overseas as well as at home, and devoting most of his time to that work, was that of Dr. Charles Hill, appointed Chancellor of the Duchy of Lancaster in January 1957. Responsibility still rests with individual Ministers for the information policy, expenditure and output of their own Departments.

### *Some Criticisms—Are They Justified?*

At this point, having given a brief account of the *how* of the official information services, I would like to deal shortly—there will be further opportunity when we come to the debate—with the main criticisms which from time to time are flung at the system. The first is the question of direct access of the press to officials, which I have already mentioned. Another that it is wrong to have specialised and therefore presumably skilled

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Information Officers, because their job is to white-wash the Department. This complaint usually comes from a newspaper which is busily engaged with a bit of black-washing and not at that stage very sensitive to the argument that there are two sides to every case. Of course the object of the Department must be to present a true picture of its policy and actions. The only information worth giving is full and frank information. I say this not simply on ethical but also on practical grounds. Concealment or unnecessary delay in issuing information causes so much more difficulty for the Department, as well as others, than an open and co-operative policy. Whenever they can, people test what they read and hear against what they know from their own evidence and experience, and assess the credit of their informants accordingly. All our home Departments are subjected to this test. The press itself must try to be reasonable—it cannot be given facts which are not available or told about decisions not yet taken—but there is no doubt that far better relations can be founded on a history of honest endeavour to study and meet the newspapers' needs than on a reputation for disinterest and delay. "Publish and be damned!" says the *Daily Mirror* but equally it is possible to publish and be saved.

Then there is the old point about the P.R.O. and Politics. It has been suggested that it is wrong to have specialised Information Officers, because if they do their work well, this redounds to the credit of the Government of the day and so boosts a particular Minister and a particular political party. It has always seemed to me that in this respect an Information Officer is in precisely the same position as any other Departmental officer. His problem is no different from that of every Private Secretary and Permanent Secretary. Years of experience have drawn a clear line—Ministers know it, as well as their officers, and respect it—between official information and party propaganda, between the Departmental occasion and the political platform.

As to the suggestion that a man who competently performs a function which is now agreed to be an essential part of modern administration is doing something which redounds to the credit of the Government of the day and therefore something improper—why, no one suggests that a skilled administrator should not put his best work into a Bill because if it goes well in Parliament and in operation it will be to the credit of the Minister and the Government; or that professional and scientific officers should withhold or dilute their advice for the same reason. Of course the policy which a Department administers and the legislation which it drafts, are bound to have some association with the personality of its Minister and the political ideas of the party in power. But the Information Officer can now rely on the same safeguards as every other Civil Servant. He is a permanent officer, serving successive Ministers and Governments impartially to the best of his ability, sustained not only by his own integrity but by the tradition and practice of the Civil Service as a whole.

### *Information or Public Relations?*

I have mentioned earlier that the Whitehall divisions are sometimes called "Information" and sometimes "Public Relations." Is there any difference between the two terms? The objectives of giving out information are to

## DO WE NEED GOVERNMENT INFORMATION SERVICES?

meet a demand, and to supply information which the Department wants the public to have. The public relations man, however, would say that the basis of every information policy ought to be a desire to create and maintain goodwill. I am going to assume that very few civil and local government servants, and none in this audience, share the view of William Vanderbilt—"The public be damned"—and that you have a desire to earn goodwill as far as possible and without breach of principle or statute. Therefore you will not disagree with my definition of public relations as an attempt, by continuously providing information and explanation, to get the best possible relationship between an organisation and the public with which it is concerned. Public relations must be a bridge with two-way traffic—helping to provide information to Departments about the public as well as the other way round.

Every Department is different and needs to work out its own information or public relations policy. A few Departments are in the happy position of having no problem at all, because they have no relations with the public. I imagine the National Debt Office is one case. Others have no direct and personal contacts, yet their policies and activities have persistent impact on the whole of the population. In these cases indirect contacts through the channels of mass communication are obviously much more important. In others the relationship is almost exclusively direct—for instance, the National Assistance Board, with its high reputation resting on the friendly as well as efficient way in which its officers deal with old people and others in need; and Customs and Excise, which come into the news only when there is some question about the duty on a gift brought back to this country or a public tantrum by a ballet dancer. Departments with local offices, such as the Post Office, the Ministry of Labour and National Service, and the Ministry of Pensions and National Insurance have of course an immense problem of direct public relations but they also figure prominently in the press, radio and publicity picture.

The primary or direct contacts—what our American colleagues call person-to-person—cover a vast area of correspondence and individual dealings which are an integral part of administrative, executive and clerical work. The onus of keeping these contacts as smooth and effective as possible must rest firmly on the officers who make them.

You will remember that in the 30s when the Post Office was reviewing its sales policy and relations with the public, it found that what annoyed most fiercely the customer who came to send a telegram was that usually the pen had a crossed nib and there was no ink in the inkpot; so the first act of the new public relations unit was to take steps to see that in every Post Office the pens and ink were regularly checked. (This was before the age of ballpoints!) Telephone arrangements at switchboard and extensions are obviously among the most important of the primary contacts. An enquirer's mood and memories of a Ministry largely depend on how courteously and quickly he is given his answer, or switched or directed to the officer to whom he needs to speak. In some Departments—they include the Ministry of Housing and Local Government and the Ministry of Labour and National Service—the Public Enquiry Rooms are part of the Public

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Relations Division, and these offices sort out telephone calls to branches as well as receive personal callers ; but the rest of the great area of contact between staff and public is the responsibility of the Department as a whole, not the Information Officer.

In the same way the "inward" action in the two-way process of public information cannot be a specialists' preserve. Almost every civil servant has his own contacts with the public and with authorities which are able to give him evidence of what people are doing and saying. The Chief Information Officer can offer supplementary intelligence ; and it is his duty to keep the rest of the Department promptly informed of what is appearing in newspapers and periodicals, including the correspondence columns and—much more difficult—what is being said and shown on sound radio and T.V.

In quite a few Departments he does more than that. His is the voice which keeps reminding the Department that even if it has a good press and publicity staff, it will not have an effective information service unless it is a good Public Relations Department—and public relations is a spirit and an attitude which ought to run right through the organisation and ensure that a special effort is made to look at things through the customers' end of the telescope.

So my submission to this meeting, Mr. Chairman, is that the provision of information to the public at home and to the people of other countries is now accepted as an essential function of government requiring, in all except small Departments, a specialist staff ; but no service of information or public relations—call it which you will—can be effective without the understanding and co-operation of civil servants of every grade.

# *The Franks Report on Administrative Tribunals and Enquiries*

By GEOFFREY MARSHALL

*The Report of the Committee on Administrative Tribunals and Enquiries was published in August, 1957 (Cmnd. 218, 5s.). Mr. Marshall is now Tutor and Praelector in Politics at The Queen's College, Oxford.*

## THE BACKGROUND OF THE REPORT

A MODERN DeLolme, innocent of sophistication and coming fresh upon the British constitution in 1957, might be expected to note down two distinct attitudes towards governmental activities. One attitude could be expressed by the propositions that the public interest is best judged by Ministers responsible to Parliament, and that where disputes occur between private and public interest, administrative methods of resolution, subject to a political control, are more apt than judicial methods. As a recent proponent of this view has put it: "The Government must always get its own way if it thinks the matter is sufficiently important, or cease to be the Government: that is a shocking doctrine to Americans and Frenchmen and their camp followers, but it happens to be our system."<sup>1</sup> The other attitude, reduced to its simplest terms, is that despite the existence of Parliament, there are clashes between public and private interests in which it is legitimate to demand as a matter of principle the interposition between responsible ministers and individuals of an independent process of adjudication, and sometimes to make it possible that administrators need not, even if they think it important, have their own way. Our innocent might find the limits of the public interest argument difficult to see. Its logical endpoint (to which he would be unlikely to hear it pushed) might seem to be that where a public authority pursuing public purposes is involved in a dispute it is only as a matter of expediency that an administrator, responsible to a Minister and therefore to Parliament, does not decide the dispute out of hand, and without appeal. Since Parliament has, in fact, provided for many kinds of question to be decided by independent tribunals, whose decisions are binding on Ministers, such a view could hardly be supported. Not, of course, that there are not strong arguments for policy issues to be subject to ultimate governmental decision, but it cannot be right to assume *a priori* that the only avenue for the expression of the public interest is that of ministerial responsibility.

The tension between administrative decision and adjudication and the search for principles of accommodation had already become accepted themes of academic discourse when the Committee on Ministers' Powers was appointed in 1929. As early as 1915, A. V. Dicey, writing in the *Law Quarterly Review* on "The Development of Administrative Law in England,"<sup>2</sup> had acknowledged the necessity for judicial proceedings and administrative hearings to be governed by different rules. The management of the business of a government department, he said, is not the same thing as the conduct of a trial. In *Arlidge's case* (1915)<sup>3</sup> the House of Lords,

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reversing the Court of Appeal, had held that in an appeal to the Local Government Board against an order made under a Housing and Town Planning Act of 1909, an objector was not entitled to argue his case orally or to see the inspector's report. The Donoughmore Committee, though it favoured the publication of reports,<sup>4</sup> did not basically disagree with the philosophy of *Arlidge's* case. Nevertheless the Committee was faced with the task of elucidating the circumstances in which parts of the transaction of business by government departments might be regarded as raising judicial or quasi-judicial disputes to which legal maxims of "natural justice" might apply. The principle which the Committee's report laid down was that where a decision of this kind turned upon the application of administrative policy it ought to be taken by a Minister.<sup>5</sup> Nevertheless there were certain disputes between departments and individuals in which it was appropriate for decisions to be taken by tribunals since the Minister and the department might appear to have an interest in the outcome of a determination of a quasi-judicial nature. The Committee, it will be remembered, also essayed some definitions of "judicial," "quasi-judicial" and "administrative" which raise further debatable questions. They formulated the distinction between the judicial on the one hand and the quasi-judicial and administrative on the other as turning upon whether the ultimate determination of an issue is made according to rules or by the application of policy. But the problem of defining "policy" and its field of application is merely a way (perhaps the simplest way) of rephrasing the difficulty for the legislator implied in Dicey's contrast between the management of administrative business and the conduct of a trial. Fortunately the Franks Committee has attacked the problem frontally in this way by attempting to delimit "policy" and ignored both the vocabulary of its predecessor and the refinements which litigation has thrown up around the concept "quasi-judicial."

A Departmental Committee under the Chairmanship of Sir Oliver Franks, G.C.M.G., K.C.B., C.B.E., was set up on 1st November, 1955. The other members were :

Lord Balfour of Burleigh,  
Roderic Bowen, Q.C., M.P.,  
J. C. Burman,  
Dame Florence Hancock, D.B.E.,  
Douglas Johnston, Q.C., M.P.,  
Sir Geoffrey Stuart King, K.C.B., K.B.E., M.C.,  
The Marquess of Linlithgow, M.C.,  
Major John Morrison, T.D., M.P.,  
Miss K. M. Oswald,  
Lord Justice Parker,  
H. Wentworth Pritchard,  
Charles Russell, Q.C.,  
Lord Silkin,  
Alan Symons,  
Professor Kenneth Wheare, C.M.G.

Its Terms of Reference were :

## THE FRANKS REPORT ON ADMINISTRATIVE TRIBUNALS AND ENQUIRIES

"To consider and make recommendations on :—

- (a) The constitution and working of tribunals other than the ordinary courts of law, constituted under any Act of Parliament by a Minister of the Crown or for the purposes of a Minister's functions.
- (b) The working of such administrative procedures as include the holding of an enquiry or hearing by or on behalf of a Minister on an appeal or as the result of objections or representations, and in particular the procedure for the compulsory purchase of land."

### THE EVIDENCE

#### *Tribunals*

On the first part of the Committee's terms of reference the most interesting evidence was given by the Ministries of Education, Agriculture, and Health and by the Treasury-Solicitor. There are clearly a number of ways in which the tribunal field can be mapped or classified. One kind of distinction might be between tribunals deciding issues between citizens (Rent Tribunals or Reinstatement Tribunals, for example) and tribunals deciding issues between citizens and government departments. Another type of grouping might be according to subject matter, e.g., all tribunals dealing with land, or with compensation. A third type of classification might be by status and function. The Treasury Solicitor, in his evidence to the Committee,<sup>6</sup> attempted a classification of this kind. A tribunal, he conceded, was not always easy to distinguish from a body appointed to inquire on behalf of a minister and conducting itself in a judicial manner. There were nevertheless a group of "characteristic" judicial tribunals in the fields of Rent, Valuation, Insurance and Compensation. Here the Minister ought to have no interest in the outcome of individual determinations beyond his interest in seeing that the relevant Acts are properly administered. But a second group of tribunals might be distinguished in which a standard or discretion is being applied with which the Minister may properly concern himself. Thus in road transport licensing, the Minister may give directions and hold conferences with the chairmen of tribunals at which policy is discussed.<sup>7</sup> This sort of distinction is not unimportant. Evidence by some departments approached the other extreme of dissociation from tribunal activities. The Ministry of Labour and National Service (according to the memorandum submitted by the Central Board for Conscientious Objectors) refused even to circulate reports of the decisions reached by the appellate tribunal to local tribunals on the ground that the practice would encroach on their independence.<sup>8</sup> It may be that the differences between tribunals provide an entirely adequate justification for each of these attitudes. But the difficulty of making generalisations about the proper working of tribunals flows directly from the fact that none can be chosen, except by arbitrary choice, as typical. There has, in fact, been some objection to the title "administrative tribunal" on the ground that the adjective under-emphasises independence and suggests ministerial influence.<sup>9</sup> This is clearly true of the most judicial of the tribunals, but a thorough mapping of the statutory provisions indicates that constitutions of the bodies normally called tribunals could be arranged on a sort of slide. At one end are to be found (1) decisions which are judicial in the strictest sense, which merge

by way of (2) decisions which involve the application of variable standards or discretions, and tribunal decisions which may be conclusive as to fact, but which are completed by a ministerial determination for which a Minister can be held responsible, to (3) mere informative inquiries by persons who are delegates of a Minister and who do not in one sense "decide" anything. A glance through the evidence of the Ministries of Agriculture and Health provides some examples of these differences. For example, under the General Medical and Pharmaceutical Services Regulations (Reg. 10 (4)) the Minister appoints one or more persons to hear an appeal. But this body, as the Ministry of Health witnesses emphasised, is constituted as a way of organising the Minister's work and not for the sake of an independent adjudication. Similarly Agricultural Executive Committees, though they make supervision orders, were said to be "the *alter ego* of the Minister."<sup>10</sup> They exist because he cannot deal with each case personally. Agents of the Minister presumably apply the Minister's policy. An Agricultural Land Tribunal, on the other hand, is composed of persons appointed by the Lord Chancellor and, if it applies policy at all, applies "public" policy or the policy of the Statute under which it is constituted. Again, although the Minister of Education has the duty of supervising the educational system, the Education Act of 1944 provides for the setting up of tribunals (though none had in fact been set up by July, 1957) to decide upon the fitness of the teaching provided by independent schools. Here, as the Committee noted, a decision which might have been expected to be taken by a Minister has been "parked out" on a tribunal. From the moment the Minister refers a matter to the tribunal he is *functus officio* and his responsibility to Parliament on that issue is removed. The difficulty of applying the Donoughmore Committee's principle here (that issues turning upon administrative policy should be decided by ministers) is plain. What is the test for a policy issue? Whether a question involves not only a suit between parties but also the public interest is one test. Whether it involves actions which ought to be defended in Parliament is another. But they do not necessarily give the same answers. "Of Parliamentary interest" is an extremely vague description. Given the chance, Members of Parliament will talk about anything. Yet another test turns upon the possibility of "crystallising" ministerial or statutory policy into a set of regulations capable of being applied by a tribunal. For example, the "unfitness" of property for the purpose of clearance schemes is defined in fairly objective terms in the Housing Repairs and Rents Act, 1954.<sup>11</sup> But though the Minister has no interest in any particular determination he is responsible for slum clearance and may want to retain a degree of flexibility in the general standards of fitness applied from time to time, which a string of independent decisions of a particular kind might not permit. Under both sections of the terms of reference a strong difference of opinion on this type of policy versus adjudication issue emerged between the unofficial evidence and that of the Departments.

#### *Appeal and Review*

Dicey, despite his delineation of the growth in the number of departmental powers of a kind previously exercised by the courts, remained optimistic

about the guarantees of the common law. In the article already referred to he wrote :

" It is probable that in some form or other the English Courts will always find the means for correcting the injustice, if demonstrated, of any exercise by a Government Department of judicial or quasi-judicial authority."<sup>12</sup>

The opinion is not one which Dicey's fellow lawyers have found themselves able to share. For many of them the *facilis descensus averno* dates from the decision in *Arthidge's* case, which it has been suggested was " an opportunity for the House of Lords to place much of our administrative law on a sound basis—an opportunity not only lost but thrown away with both hands."<sup>13</sup> In the years between the two inquiries into ministerial powers, and particularly since 1945, the academic journals have bristled with criticism (which it would be uncharitable and slightly inaccurate to call politically conservative) of the arrangements for reviewing the actions of administrators in the courts. Our hypothetical, naive observer of the British political scene might almost be forgiven for assuming that judicial failure to check administrative discretion was entirely self-motivated and that Parliament had had no hand in the matter. On procedural issues, at least, the voice of the comparative lawyers has been raised with some justification. From a technical point of view much of the mechanism of English common law by which review can be obtained of administrative action is overburdened by precedent and contains elements of hazard for the litigant. As a result of a recommendation by the Donoughmore Committee the procedures for obtaining the prerogative writs of *certiorari*, *prohibition* and *mandamus* were simplified, but an order for *certiorari* has certain limitations. It will not lie to review a decision which can be held not to be " judicial " and it cannot be used to quash for an error of law where a tribunal does not give reasons which appear on the face of the record.<sup>14</sup> The action for a declaration, of which increasing use has been made in the last few years, is not subject to either of these restrictions, but cannot be combined with *certiorari* or *prohibition* in the same proceedings and cannot therefore be thrown in by an appellant as a form of insurance. The Franks Committee heard a good deal of legal evidence on the possibility of remodelling the machinery of judicial review. A memorandum from Mr. S. A. de Smith<sup>15</sup> advocated abolition of the prerogative orders and the institution of a single form of action with procedure similar to that for obtaining a declaration. More radical schemes were put forward by Professor W. A. Robson<sup>16</sup> and by the Inns of Court Conservative and Unionist Society.<sup>17</sup> The latter organisation advocated the establishment of a new division of the High Court to be called the Administrative Division. Professor Robson favoured a separate general administrative appeal tribunal. Both memoranda took the view that the tribunals suggested should hear appeals not only from administrative tribunals and from ministerial decisions under the second half of the terms of reference, but also from allegedly unfair decisions in the general field of administration (consideration of which really fell outside the Committee's terms of reference). The General Council of the Bar proposed a system of appeal to a Parliamentary Select Committee on the merits of administrative decisions, the appeals being sifted by a further

committee to discover those appearing to disclose "a substantial ground of objection."<sup>18</sup>

Two recent decisions in the Court of Appeal suggest that in one respect the scope for review of tribunal decisions may be wider than was assumed when some of the memoranda of evidence were drawn up. In *Taylor v. National Assistance Board* (1957)<sup>19</sup> it was said that the remedy of declaration to insure that the decision of a tribunal was made in accordance with the law was available even when the determination of the Board was made "final" by Statute. Parliament, it was said, "only gives the impress of finality to the decisions of the board on condition that they are reached in accordance with the law." In *R. v. Medical Appeal Tribunal ex parte Gilmore* (1957),<sup>20</sup> *certiorari* issued to quash a decision for an error of law though the relevant Act (the National Insurance (Industrial Injuries) Act, 1946) provided that the tribunal's determination should be final.

#### *Enquiries*

Under this heading of its terms of reference the Committee was faced with a major decision of principle. There are, as the Chairman formulated it in discussion with witnesses, two views of the public enquiry which precedes a ministerial confirmation of compulsory purchase or designation orders under Housing and Town Planning legislation. One view is in terms of the final end of the process—the Minister's decision. Everything which takes place en route is (on this view) a step by his servants to help him make the best decision. Inspectors who preside at enquiries are the Minister's eyes and ears. The other view is that of the objector who wishes to dispute what is going on. He is not content to regard the process merely as an opportunity for the administration to reflect upon its conduct, but wants the decision taken to be based upon and to follow from the evidence presented by the parties at the enquiry. He wants also to know what the authority in question is proposing—what case he as an objector has to meet; and in order to meet it he wants to be able to dispute by argument and cross-examination the case of the ministry or Local Authority and to see the inspector's report. Much of this description—"knowing the case one has to meet"—or reference to "the parties" or "evidence" assumes what is in question, namely that the enquiry is to be viewed in a judicial light, as a confrontation of two cases. On the other hand phrases such as "eyes and ears of the Minister," or "hearing objections," or the statement that the inspector's decision should be that which the Minister would reach if he heard the case himself, beg the question in the other direction. Superimposed on this difficulty for the Committee was the more formal principle which has emerged in litigation that the courts will regard a Minister as having a quasi-judicial function and a corresponding duty of impartiality when he gives a final decision between an objector and a Local Authority, but as having no such duty when action is initiated by a government department.<sup>21</sup> Ought legal metaphysics about the distinction between a *lis*, a *quasi-lis*, and administrative action to be regarded as fundamental? This was the Committee's major problem and it was put in one form or other to all the departmental witnesses. The Ministry most closely concerned with

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the type of inquiry under review put up a hard fight for the "administrative" view, for departmental inspectors and confidential reports. Dame Evelyn Sharp (Permanent Secretary of the Ministry of Housing and Local Government) argued before the Committee that advocacy of an independent inspectorate was incompatible with ministerial decision. It was necessary to keep the inspectorate expert in the department's work and in touch with policy. An inquiry was only part of the process by which a Minister arrived at a decision. To publish merely a part of the scaffolding (the inspector's report) might be misleading. Identical cases might need to be decided differently. Particular disputes again might be overtaken by larger policy issues. In one case, for example, a proposal to buy a piece of land to accommodate overspill population from London had turned into a whole review of the overspill problem, and the particular proposal had been turned down, not for reasons brought out at the inquiry, but for policy reasons which were fought out afterwards in the department. The publication of reports, it was argued, would be embarrassing. The Minister ought not to be put in the position of being publicly in disagreement with the advice given to him by a civil servant.<sup>22</sup> A similar situation arose over the question of cross-examination of departmental witnesses, especially if different departments were involved. The Ministry of Housing and Local Government suggested little more than inconvenience and embarrassment. The Treasury Solicitor, however, felt higher constitutional principles to be in danger, since to have departments controveering each other at inquiries was, he thought, contrary to the rule that the Government is one and speaks with one voice.

A number of witnesses were pressed to say whether they could formulate tests for distinguishing issues which raised matters of "policy" and issues which did not. The "advice" given by an inspector is clearly made up of elements which do not all resemble the policy advice given by higher civil servants in the course of administration, and publication of the factual elements of his recommendation or even the recommendation itself in cases where one is made would arguably not raise constitutional issues at all. It is clearly open to doubt whether even advice on matters of fact, sought afterwards by a Minister within his own or another department, is necessarily to be thought of as automatically under the umbrella of ministerial secrecy. What can be considered as "factual" is, of course, itself open to dispute. Lord Justice Parker at several points suggested to witnesses that questions which they were treating as questions of policy were of a type which courts decide every day as questions of fact. (But when lawyers talk about questions of fact they usually mean what a layman would call matters of opinion.) Several of the lawyers who submitted evidence shared an implicit major premise that the policy of ministers should wherever possible be made as much like a system of case law as possible. Planning policy, it was suggested, for example, should grow more and more explicit and be formulated in a series of more and more concrete generalisations.<sup>23</sup> The Inns of Court Conservative and Unionist Society took a somewhat different line, however, on the "concretisation" of policy. They conceded the difficulty of drawing a distinction of principle between policy and matters to which judicial review could be

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applied since, it was said, a Minister might, if he wished, apply policy to an individual case. It was nevertheless important to have a clear line of demarcation and to get Ministers to draw some line in particular cases between those matters which they regarded as falling within the policy pale and those falling outside it.<sup>24</sup> "Policy," on this view, would act as a kind of departmental strategic deterrent, but with no guarantee that it would not be used for tactical purposes—a position which seems to be hovering on the brink of capitulation to the "administrative" doctrine of the public inquiry.

### THE COMMITTEE'S REPORT

In all the Committee held 27 formal sessions, considered written and oral evidence from 112 sets of witnesses, recorded more than 1,100 pages of minutes, spent £21,216 and made 95 recommendations.

#### *Tribunals*

The Committee considered that two standing Councils on Tribunals<sup>25</sup> should be set up (one being for Scotland) to keep the constitution and working of tribunals under continuous review. They should be appointed by and report to the Lord Chancellor and the Secretary of State for Scotland. The main function of the Councils should be to advise on the detailed application to the various tribunals of the general principles of constitution and organisation laid down in the Report. The Councils should consist of nine or ten persons, being partly lay members and partly having legal experience, but with lay members in the majority. Some place should be found for members with experience of agriculture and industry and (amongst the legal members) for an academic authority on administrative law or administration. The Councils should be charged with the appointment of all members of administrative tribunals. The chairmen of the tribunals should be appointed in England by the Lord Chancellor and in Scotland by the Lord President of the Court of Session or the Lord Advocate. In general, the Committee thought, service on tribunals should not be whole-time or salaried. No single code of procedure could be laid down for tribunals, but detailed rules of procedure ought to be drawn up by the Council on Tribunals, designed to meet the particular circumstances of each tribunal. The aim should be to combine an orderly procedure with an informal atmosphere. Hearings should be in public except in cases involving public security, intimate personal or financial details or preliminary investigations into professional capacity. Legal representation should be permitted before all tribunals except in the most exceptional circumstances. If an appellant did not employ a lawyer a government department should not be permitted legal representation in the particular case. Legal aid should be extended at once to the more formal and expensive tribunals. Reasons should be given for decisions in all cases.

Surveying the working of particular tribunals the Committee concluded that the constitution as adjudicating bodies of Agricultural Executive Committees was in conflict with the principle of impartiality. The Committees combined the functions of detective, prosecutor and judge; they did not give adequately reasoned decisions, and no provision existed for appeal from a supervision order made by them. Their adjudicating functions ought to be

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transferred to tribunals independent both of the Minister and the County Committees. Rent Tribunals also, the Committee stated, were deficient in their membership and procedure. Legally qualified chairman should be appointed as soon as possible (something less than a half, it was said in evidence, had legally qualified chairmen) and an appeal tribunal should be set up consisting of a County Court Judge sitting with a qualified valuer. The appellate procedure of Conscientious Objectors Tribunals needed to be reviewed, since local applications of the National Service Act were seriously inconsistent and no decisions of appellate tribunals were circulated.<sup>27</sup>

The Committee's general conclusion about tribunals is significant for its rejection of the view that tribunals should be regarded as part of the machinery of administration. "Tribunals," the Report states, "are not ordinary courts, but neither are they appendages of Government Departments."

"Tribunals should properly be regarded as machinery provided by Parliament for adjudication rather than as part of the machinery of administration. Although the relevant statutes do not in all cases expressly enact that tribunals are to consist entirely of persons outside the Government service, the use of the term 'tribunal' in legislation undoubtedly bears this connotation, and the intention of Parliament to provide for the independence of tribunals is clear and unmistakable."<sup>28</sup>

Much of the official evidence (the Report states), including that of the Joint Permanent Secretary to the Treasury (Sir Norman Brook), appeared to reflect the view that tribunals were parts of the administrative machine for which the Government must retain responsibility. The comment gives a misleading impression of the official evidence as a whole. That evidence certainly showed no general tendency to assume that the tribunals with which the Committee was concerned were departmental appendages, whatever responsibilities Ministers might have in matters of appointment. Indeed some witnesses revealed almost hypersensitive resistance even to suggestions from Committee members that a department might give guidance to tribunals on procedural matters. No evidence was given to the Committee of any departmental influence being exerted upon tribunal members.

*Appeal and Judicial Review*

The Report is notable here for what it has not recommended. The proposals both for an Administrative Division of the High Court and a General Administrative Appeal Tribunal have been rejected fairly summarily. Each was considered only in relation to tribunals and enquiries where the Committee concluded that any single appellate body would be relatively inexpert. The proposers of the Administrative Division were not, in any event, so much concerned about appeal provisions in this sphere as in advocating a procedure for reviewing complaints from persons adversely affected by decisions taken in the ordinary course of administration, so did not press their scheme at the point where the Committee was willing to consider it. (The Report concedes that disquiet about departmental discretion and "the celebrated case of Crichel Down" were "widely regarded as a principal reason for our appointment." Since a simple amendment to the terms of reference would have allowed the Committee to consider whether further tribunal procedures

were called for in this field, one is forced to conclude either that the remit was drafted with Machiavellian insight or that too little thought was originally given to its scope.) A separate administrative court was also said to be undesirable in that it would involve the creation of two separate jurisdictions, each containing provision for final determinations of points of law. The logic here is somewhat puzzling. The subordination of inferior courts and tribunals to the jurisdictional control of the superior courts is undoubtedly a central feature making for unity in the legal system. But if the arguments for expert administrative adjudication in some fields are sound, then the arguments for final determination and limited appeal on points of law in these fields are at least cogent. The Committee recognised this in recommending that no appeal should lie from decisions of the National Insurance Commissioner, the Industrial Injuries Commissioner, or National Assistance Appeal Tribunals. When Parliament has attempted (despite the courts) to provide for decisions to be "final" it has in fact envisaged a separation between different agencies of justice. Whether evils are attendant upon this course or not needs more argument than is involved in the incantation "dichotomy" and references to the "fundamental importance" of legal unity. With the exceptions mentioned, however, the Committee recommended that besides a general appeal from a tribunal of first instance to a second or appellate tribunal, appeal should lie on a point of law from all tribunals. The Divisional Court of the Queen's Bench Division would in general be the most appropriate forum and there should be one further appeal on law, by leave of the court. The existing possibility of a challenge to jurisdiction by prerogative order should remain and no statute should in future contain words purporting to oust these orders.

#### *Enquiries*

Several major departures from existing practice have been recommended. The main body of inspectors in England and Wales should be placed under the control of the Lord Chancellor as a separate and independent inspectorate (though departments responsible for enquiries might keep them "in contact" with policy developments). A code of procedure for public enquiries should be formulated by the Council on Tribunals and made statutory. The deciding Minister should make available before the enquiry a statement of the policy relevant to the particular case, but should be free to direct that the statement be wholly or partly excluded from discussion at the enquiry. An initiating authority, whether a ministry or Local Authority, should be required to explain its proposals fully at the enquiry and support them by evidence (including that of departmental officials where a proposal is initiated by a Minister.) Inspectors' reports should be published in full with the Minister's decision.<sup>29</sup> Reports should be divided into, first, a summary of evidence, findings of fact and inferences of fact; and secondly, reasoning from facts, including application of policy and (normally) recommendations. Objectors should be allowed to propose to the inspector corrections to the first part of the report (which they should see) within 14 days. Ministers should be required to submit further factual evidence (including expert evidence obtained after the enquiry) to the parties for their observations. A Minister's letter

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of decision should set out his findings and inferences of fact and the reasons for his decision.

The recommendation that Ministers should be required to provide policy statements and to determine the extent to which they should be excluded from discussion at an enquiry is one whose application is difficult to foresee. It might in practice reduce to very little that was of any aid or comfort to the Minister's opponents. It could be so framed, in some cases, as to remove teeth from objections and to state them out of court. On the other hand, it could in many cases consist in a generalisation so vague that no final decision could be perceived to follow from it. Where, as the Committee conceded, policy might change after an enquiry, the requirement could amount to no more than that of giving a reason (whose cogency could not be tested) for the decision. If (to quote the Report) "the appearance is what matters," it may not be unimportant that one or two additional, but easily negotiable, hoops should be placed in the Minister's path and that the process of objection should become more discursive. As Sir Oliver Franks remarked to one of the witnesses: "The amount of time that people are willing to waste in hearing each other talk is a very important constituent of our political life."<sup>20</sup> The Committee has done its best to translate this Parliamentary philosophy into administrative terms.

The recommendations under the second section of the terms of reference lean unmistakably away from many of the conclusions presented in the official evidence. The Report formulates the Committee's task here as that of rejecting the choice between a "judicial" and an "administrative" view and of addressing themselves directly to the task of "finding a reasonable balance between the conflicting interests"—applying the principles of "fairness," "openness" and (qualified) "impartiality" on the way. Despite the protestation that neither of the opposing views of the nature of the public enquiry should be emphasised at the expense of the other, the Committee has in fact aimed as many backhand blows at the administrative school of thought as were compatible with maintaining its equilibrium astride the balance of interests and its determination to tilt one arm of the balance towards the individual whilst simultaneously keeping its hind quarters firmly athwart the opposite beam of ministerial responsibility.

<sup>19</sup>R. M. Jackson, "Ministerial Tribunals," *Manchester Guardian*, 22nd April, 1955.

<sup>20</sup>(1915) 31 *Law Quarterly Review*.

<sup>21</sup>(1915) A.C. 120.

<sup>22</sup>Cmd. 4060, pp. 100 ff.

<sup>23</sup>Ibid., p. 93.

<sup>24</sup>Minutes of Evidence, Day 8, pp. 221-275.

<sup>25</sup>Minutes of Evidence, Day 8, p. 229.

<sup>26</sup>Minutes of Evidence, Day 23, p. 1067.

<sup>27</sup>R. M. Jackson, *The Machinery of Justice in England* (2nd ed. 1953), pp. 320-21. Cf. Minutes of Evidence, Days 11-12, p. 449.

<sup>28</sup>Minutes of Evidence, Days 3-4, p. 89.

<sup>29</sup>Sect. 9 of the Act lays down eight criteria:—repair, stability, freedom from damp, natural lighting, ventilation, water supply, drainage and sanitary conveniences, and facilities for storage, preparation, cooking of food and disposal of waste water.

<sup>30</sup>31 *L.Q.R.* at p. 151.

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<sup>18</sup>Sir C. K. Allen, *Law and Orders* (2nd ed. 1956), p. 278, n.

<sup>19</sup>*R. v. Northumberland Compensation Appeal Tribunal, Ex parte Shaw* (1952), 1 K.B. 338.

<sup>20</sup>Minutes of Evidence, Appendix 1, p. 8.

<sup>21</sup>Minutes of Evidence, Days 13-14, pp. 491-5.

<sup>22</sup>Minutes of Evidence, Days 9-10, pp. 279-309.

<sup>23</sup>Minutes of Evidence, Days 17-18, p. 677.

<sup>24</sup>(1957) 1 All E.R. 183.

<sup>25</sup>(1957) 2 W.L.R. 498. C.f., however, the interpretation given to the words "shall not be questioned in any legal proceeding whatsoever" in *Smith v. East Elloe Rural District Council* (1956), A.C. 736.

<sup>26</sup>*Franklin v. Minister of Town and Country Planning* (1948), A.C. 87.

<sup>27</sup>Minutes of Evidence, Days 3-4, pp. 66-86, Day 5, pp. 115-46, and Days 25-6, pp. 1138-70.

<sup>28</sup>J. A. G. Griffith and Mrs. Ruth Glass. Day 21, pp. 974-88. C.f. the Committee's conclusion at p. 90 of the Report: "Every effort should be made to express policy in the form of regulations capable of being administered by an independent tribunal."

<sup>29</sup>Minutes of Evidence, Days 9-10, pp. 283-4. C.f. The Society's pamphlet "Rule of Law" (1955), p. 58.

<sup>30</sup>The proposal for the Council on Tribunals owed much, the Committee stated, to the evidence of Professor Robson (Days 13-14, pp. 496, 499, 509) and Mr. H. W. R. Wade (Days 13-14, pp. 551-561).

<sup>31</sup>Between 1949 and 1955 the percentage of applicants granted unconditional exemption was 0.6 per cent. for the London tribunal and 18 per cent. for the Scottish tribunal.

<sup>32</sup>Certain decisions were circulated during both the First and Second World Wars, but the practice was discontinued in 1943.

<sup>33</sup>Cmnd. 218, p. 9.

<sup>34</sup>Lord Silkin dissented from this recommendation and from the Committee's conclusion about the publication of reports. In a separate note of reservation he suggested that the departmental inspectorate should be appointed by and retained under the Minister of Housing and Local Government, and that, with the exceptions of the findings of fact, the reports of inspectors should remain confidential.

<sup>35</sup>Minutes of Evidence, Days 11-12, p. 463.

## Whitley Councils in the Health Services

By GLYN PICTON

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### *The Guillebaud Committee*

ON 5th July, 1948, some half a million workers in the health services became subject to terms of employment which were uniform throughout Great Britain. In order to determine the conditions of service and rates of pay, negotiating machinery was set up comprising a General Council and nine Functional Councils, of the Whitley Council type, defined by the Guillebaud Committee<sup>1</sup> (para. 680, note) as "a joint negotiating body comprising two Sides, one representative of employers and the other of those employed."

The Guillebaud Committee, concerned with the cost of the National Health Service, devoted only a relatively small part of their report to the working of the Whitley Councils. They recommended a substantial increase in hospital representation on the Councils and a review of the arrangements for the provision of information to the Management Sides by the people directly concerned with the hospital service. As to the agreements reached by the Councils, it was recommended that they should be more flexible so as to provide a certain measure of elasticity to meet variations where the need arises. The Committee noted as a major cause of concern the long delays frequently experienced in reaching decisions both in the Functional Councils and also in the Ministry. These they attributed partly to the initial immense burden of work but also in part to "defects in the Whitley machinery" (para. 697).

The recommendations of the Committee imply certain criticisms of the Whitley machinery, but otherwise there is no indication of the nature of the defects the Committee had in mind. In expressing the view that provision in the national agreements for local variations will help to make the machinery more efficient, they indicated that this will also make it "more acceptable to the people operating the Service than it has been in the past" (para. 734 (4)). By implication, therefore, it would seem that there was dissatisfaction with the negotiating machinery on the part of the large body of employees in the Health Service. This view is reinforced by consideration of a formal expression of discontent made by the staff side of the General Council in 1955 and of a debate in the House of Commons on 8th February, 1956.

### *"Wage Policy and the Health Service"*

The publication, therefore, of a study of these Whitley Councils is both timely

<sup>1</sup>Cmnd. 9663. January 1956. Report of the Committee of Enquiry into the Cost of the National Health Service.

and welcome. In their book on *Wage Policy and the Health Service*,\* H. A. Clegg and T. E. Chester set out to answer two questions : "Can the Whitley system of the National Health Service be improved?" and : "Does the centralised system of determining wages and salaries in the National Health Service shed light on the possibility and desirability of a national wage policy for Britain?" In dealing with the second, the authors find the results disappointingly small ; they are led to conclude that the Health Service has no valuable lessons for the conduct of a national wage policy. This conclusion is based upon a detailed analysis of the Health Service Whitley machinery which they make in their approach to the first question. The major portion of the book is devoted to this analysis, which is an important contribution to the discussion not only of the working of the Health Service but of the more general subject of the relationships between employers and employed.

The authors briefly trace the development of collective bargaining in the Health Service from the early days of the National Asylum-Workers Union, founded in 1910, to the involvement of the Government during the Second World War in the administration and finance of hospitals, which foreshadowed ultimate central control. In the process of nationalisation, the Government undertook to set up "some machinery of the Whitley Council type." In the event, a General Council was established, confined to general conditions of service other than remuneration, the latter being reserved to nine Functional Councils, each autonomous in its determination of rates of pay for the grades of staff with which it is concerned, e.g., Administrative and Clerical Staffs ; Ancillary Staffs ; Medical ; Nurses and Midwives. Each Council comprises two Sides, the Management consisting mainly of representatives of hospital authorities, Local Authorities and the Government Health Departments, the Staff consisting of representatives of organisations catering for the respective grades of staff. It may be noted here that Staff Sides include both trade unions and professional associations, whilst the composition of Management Sides provides for the full and direct participation of Ministerial representatives although the contracting employers in the Health Service are not the Government but the Regional Hospital Boards, the Boards of Governors of Teaching Hospitals and Local Authorities. To preside over its deliberations each Council elects annually a Chairman and Vice-Chairman from the membership of the Sides, neither of which is notable for homogeneity.

The course of the negotiations in the various Councils is described in considerable detail for the period 1948-54. The results of the negotiations are then illustrated by a number of comparisons both within the Health Service, and between the Health Service and employment elsewhere. The results of the comparison are summarised as follows : "Within the Health Service from July, 1948, to December, 1954, rates for nurses increased by about 60 per cent., for ancillary staff by about 45 per cent., and for most other groups by between 20 per cent. and 40 per cent. Only nurses received increases larger than the increase in the cost of living and the index of general wage rates. Ancillary staff roughly kept place, and other groups fell behind.

"Ancillary staff earn considerably less than the average for manual workers in British industry, for longer hours. It is not clear whether

\*Blackwells, Oxford 1957. Pp. & 142.

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or not they fell further behind the national average over this period.

"Amongst salaried Health Service employees it seems likely that only nurses have done as well as salaried workers in the country as a whole, and that other salaried groups in the Health Service have fallen behind." Added to this is a later comment that taking hours of work into account, the nurse is amongst the lowest paid of professional workers ; it is not surprising therefore that "Health Service workers complain that the results of collective bargaining do not give them as much as is gained by others."

### *Determining Factors in the Negotiations*

From a consideration of the results of negotiations the authors are led to a discussion of the factors influencing the determination of wages and salaries in the Health Service. They review these in logical sequence before concluding that political pressures are more decisive than any other factor : "they [political pressures] certainly cannot explain all the awards and settlements that have been made ; but they cover more instances with greater plausibility than any other explanation." The authors are at pains to distinguish between party and political pressures. It is not the former they have in mind ; all Governments are subject to public criticisms, for their expenditure and for their behaviour as employers. It is observed that the British Medical Association advances the case of its members to whatsoever Government is in power, and an outcry over a shortage of nurses can come from either Party, or from both, or from outside. It is in the response of Governments to forces of this kind that the main determinant is seen of wages and salaries in the Health Service.

As to the other factors, the principle of fair comparison with comparable employment is applied as part of a general policy on wages and salaries in government employment, but the application is not consistent, nor is it the result of direct action by Management Sides ; it is more the result of arbitration awards. A fairly constant high proportion of arbitration awards is evident : of the 53 major settlements in the Health Service from 1948 to 1955, 26 were the result of decisions of the Industrial Court, the National Arbitration Tribunal or the Industrial Disputes Tribunal. The authors advance as the most likely explanation the need of the Ministry of Health and of the Treasury for political protection : for example, at a time of general wage restraint, by taking recourse to arbitration, the Government avoids the responsibility for granting an increase which in any case it considers justifiable, but which if conceded directly would have embarrassing repercussions. In somewhat similar fashion, considerations of labour shortage are rejected unless the financial consequences are insignificant or unless they constitute a live political issue. As to movements in the cost of living, the arguments are used in so many ways to justify so many proposals that it is impossible to discern in such movements a consistent determining factor.

The preponderating influence of political pressures is a surprising feature of negotiating machinery which purports to be of the Whitley Council type. It calls for consideration of the means whereby the influence is applied. It will be recalled that the Management Sides include representatives of the Government Health Departments, although the Government is not an

employer in the Health Service. The reason is obvious, in that the financial responsibility rests upon the Government. The departmental representatives, although in a minority, carry special authority, armed as they are with the views of the Treasury, obtained in prior consultations. This is inevitable, and there can be no quarrel with the view of the Guillebaud Committee that the Departments cannot divest themselves of the requirement of such consultations since the Health Service is financed from moneys voted by Parliament. It nevertheless remains true that the Management Sides cannot function as independent employers' sides. The major influence in negotiations must be the view of the Treasury and the authors aptly describe the Management Sides as advisory bodies, with the non-departmental members having the opportunity of modifying the official proposals.

*Criticisms of the Whitley Councils*

The process of negotiation is therefore unusually complex and it is not surprising that it has given rise to criticism. The Guillebaud Committee had noted (para. 694) the weak representation on Whitley Councils of the employing authorities in the Hospital Service and this has now been strengthened by an additional seat for the Regional Hospital Boards, another to the Association of Hospital Management Committees and for the first time a seat has been given to the Scottish Boards of Management. These additions were made at the expense not of the over-represented Local Authorities but of the Government Departments. The authors discuss also the criticism that there are not enough Management Side representatives with direct and full-time acquaintance with the details of hospital working; they suggest that personnel officers be appointed for each Regional Board and that from their ranks would be found representatives of the Regional Boards on the Whitley Councils. The introduction of personnel officers into the hospital service might well yield valuable results,<sup>1</sup> although the authors recognise that there would be many difficulties, significantly among these being the salary which could be offered. As far as the Whitley Councils are concerned, however, it seems to be unnecessarily pessimistic to assume that there could not be found from existing senior full-time officers a sufficient number with the right qualities who could somehow find time to contribute their special knowledge to the work of the Councils.

The Guillebaud Committee had observed (para. 696) the absence of any formal machinery in the Whitley system for ensuring that the people directly concerned with the management of the hospital service are consulted by the Management Sides when major salary claims are considered. This might have been noted by the authors in their discussion of the availability of practical hospital knowledge on management sides. The Guillebaud recommendation was that the Health Departments should review the arrangements for consultation with Regional Hospital Boards and that the latter should review their own arrangements with Hospital Management Committees. This recommendation must surely commend itself if, as the Guillebaud Committee implies, there is any doubt that management sides are not as fully aware as

<sup>1</sup>But see G. A. Phalp: "Staff Management in the Hospital," a paper presented to a conference of the Royal Institute of Public Administration, 20th May, 1957.

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possible of the views of these authorities before decisions are taken on matters affecting them.

Another criticism presented often by those closely concerned with hospital administration is the inflexibility of the Whitley system. In the discussion of this, the authors dismiss very briefly the Guillebaud recommendation (para. 693) that the Whitley Councils might profitably explore the methods used by other large-scale undertakings to introduce flexibility into national agreements ; it is not clear to them what profit the Councils would draw from such an exploration, for the flexibility enjoyed by private undertakings in this respect arises mainly from their freedom to pay wages and salaries in excess of agreed rates—a practice debarred by regulations in the Health Service. They comment favourably upon the use made by the Minister of the power to authorise variations from approved terms and conditions of service, but the point made by the Guillebaud Committee was that the provision for flexibility, for example to meet local variations when the need arises, should be built into the national agreements themselves. It is true that the Guillebaud recommendation was in the nature of a counter to the suggestion of discretionary power to individual managing bodies, but it clearly reflected the view that Whitley agreements need not always be rigid and inflexible in their terms. Ministerial variations are indeed valuable but they are no substitute for flexible provisions in the Whitley agreements. In the hospitals themselves there is much concern about the delays involved in appeals to the Minister, the time and energy devoted to them by administrators and members of committees, and the strain on the patience of the employees concerned. Indeed it is with this in mind that there is still much support for the plea, rejected by the Guillebaud Committee, for some discretion for the employing authorities. The authors do not discuss this point, but they applaud the use of ministerial variations as avoiding a large volume of discontent which could follow one instance of an individual unfairly treated by national rules in each of a few hundred hospitals. Equally it could be claimed that much goodwill could be gained with staff if a small discretionary sum were available in the hospitals for the prompt reward of outstanding efficiency or for bonus payments in exceptional circumstances.

In their discussion of the criticism of delay in the conduct of negotiations, the authors observe that this is a common complaint against most negotiating bodies. In the Health Service there are special grounds for grievance in that it uses arbitration more than most industries, and arbitration necessarily involves delay in the preparation of the cases, their presentation and the promulgation of the awards. Moreover, Government policy imposes two special causes of delay in the collective bargaining of the Health Service : sensitivity to public criticism of the cost of the Service induces a particularly cautious approach to a prospective increase in expenditure, whilst the principle of following action in comparable occupations involves waiting for the decisions in those occupations. The hope is expressed that the recent report of the Royal Commission on the Civil Service may lead, not only to more generous comparisons, but also to overt agreement on what are comparable occupations so that delay may be reduced by the automatic extension of changes in their wages and salaries to the Health Service.

The remaining proposal made by the authors for reducing delays is that the Councils should consider choosing an independent chairman, or independent chairmen. They have in mind avoiding an excessive number of arbitration cases by providing an alternative means of political protection for the government. The proposal is put only briefly, but it is worthy of much more extensive examination as it may well be the only major change in the present system which is within practical range.

The authors recognise that their conclusions are limited and are not likely to impress those critics of Whitleyism who feel that it has not achieved anything like what was expected of it, and could only give satisfaction if there were radical and wholesale change. They point out, with justification, that possible changes in the system of collective bargaining in the Health Service are confined within relatively narrow limits "unless the constitutional position of the Minister is changed, or the function of the Treasury is radically altered, or the Health Service adopts a system of full-time governing boards, or the structure of British trade unionism is completely overhauled, or the Health Service is made financially independent." Accepting this as the inevitable framework, it is possible that independent chairmen might make a valuable contribution to the working of the Councils.

#### *Independent Members in Industrial Negotiations*

The authors hold the view that independent chairmen have not elsewhere made an outstanding contribution to the improvement of industrial relations. Nevertheless they have surely played an important part in industrial negotiations. This may be traced from the time of the pioneer work done by the Committee on the Relations between Employers and Employed set up in 1916 under the chairmanship of Mr. Speaker Whitley. This Committee, concerned with the development of formal means of negotiation in industry, gave consideration to the situation arising when the two sides fail to agree. Their principal recommendation was the formation of Joint Standing Industrial Councils composed of representatives of employers and employed in the various sections of the industries concerned. On the subject of arbitration and conciliation, the Committee recommended the establishment of a permanent arbitration authority to which disputes might be submitted voluntarily. They had in mind differences of general principles and differences affecting whole industries or large sections of industries, which would be referred to arbitration in cases where the sides had failed to come to an agreement through their ordinary procedure on the Joint Industrial Council. It was this recommendation which resulted eventually in the present Industrial Court.

Reference to external arbitration, however, is the consequence of a breakdown in normal negotiations. Before that stage is reached it may be possible to effect a conciliation between the sides. The Whitley Committee seem to have had this in contemplation when proposing the composition of the Joint Industrial Councils. Although they suggested that the appointment of chairman should be left to each Council, they indicated that the choice might be :

1. A chairman for each side of the Council ;

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2. A chairman and vice-chairman selected from the members, one from each side ;
3. A chairman chosen by the Council from independent persons outside the industry, or
4. A chairman nominated by a person or authority determined by the Council, or failing agreement, by the Government.

This still remains part of the model constitution of Joint Industrial Councils published by the Ministry of Labour and National Service. Initially, however, the Ministry considered it essential that Joint Industrial Councils should consist exclusively of representatives of industrial organisations. It may be surmised that this view was in large measure a response to the current sensitivity of trade unions and employers' associations, anxious about the possible element of State interference in what they wished to be autonomous bodies, making possible a larger degree of self-government in industry.

In spite of this official disapproval, early examples may be quoted of the use of the services of independent members on negotiating bodies. The Railways Act of 1921 provided for a National Wages Board with an independent chairman chosen by the Minister of Labour. Concurrently with the Whitley deliberations the builders were setting up a Building Trades Parliament, later their Industrial Council, with an independent chairman. In stipulating that he should be advisory only, they clearly had in mind the function of conciliation rather than arbitration. Another notable example of that time is provided by the Pottery Industry. Here again, conferences were already proceeding, and the formation of a National Council owed much to the efforts of three independent persons, Rowntree, Wethered and Clay. These gentlemen became honorary members of the Council and in 1924 acted as mediators in a dispute.

As Joint Industrial Councils developed in various industries, different techniques were devised involving the services of independent members. In Electricity Supply, provision was made, in the event of a threatened stoppage, for representatives of the National Joint Council to meet as a Conciliation Committee under an independent chairman. In Quarrying, disputes were settled by a panel of arbitrators drawn from the two sides of the Council under an independent chairman who, in the event of failure to agree, would give the ruling decision. Joint Industrial Councils were formed in several sections of the retail distributive trades, all, with the exception of meat, having an independent chairman. In the retail co-operative service a National Conciliation Board includes an independent chairman chosen from a panel ; he may, with the consent of the parties, give a binding arbitration. Cotton Weavers provide for an independent chairman of a Conciliation Committee, chosen to act for a period ; failing agreement he must make a recommendation after consulting two other independent members, but only by consent may he give an award. A somewhat similar arrangement prevails in the London Theatre Council except that in this case it is the independent chairman of the whole Council who acts.

Examples could be drawn from other industries. London Passenger Transport and Coal would provide instances. In the Civil Service at one time there was the conception of "persons of standing," not necessarily

Civil Servants, who could be members of either side of the National Council. In Local Government, the Council for the Administrative, Professional, Technical and Clerical Grades has an independent chairman.

Up to this point in the analysis, the pattern is one of a greater or less remoteness of independent members from the early stages of negotiation. At one extreme, there may be, in effect, simply an *ad hoc* umpire nominated by an impartial external authority. Intermediately, there may be separate conciliation boards, *ad hoc* or standing, with varying degrees of authority given to independent members. More closely involved in the early detailed work will be the independent members or chairmen of the main standing councils, again with differing powers of intervention.

#### *Wages Councils*

There remains for consideration the outstanding example of continuing detailed participation of independent members in negotiations between two sides. This is provided by the Wages Councils,<sup>1</sup> the modern successors to the Trade Boards of the early part of this century. Originally confined to the "sweated industries," the emphasis now is upon those industries in which there is no adequate voluntary machinery for the effective regulation of the remuneration of the workers to a reasonable standard. It may be objected that negotiating machinery devised upon such a principle can have no relation to the Health Service. There are certain points of similarity, however, which are worthy of attention.

The Wages Councils, of which there are some 60 in active operation, now cover over three million workers in industries varying from the small Key and Drum, and Fustian Cutting, to large industries such as Road Haulage, Baking, Clothing, Stamped and Pressed Metal Ware, and Rubber Manufacturing. They are not to be dismissed therefore as being concerned only with insignificant sections of industry.

The Wages Councils are statutory bodies set up under the Act of 1945. The Whitley Councils of the Health Services are not so constituted, but the history of their formation may perhaps fairly be described as officially induced. Be that as it may, the powers of the two kinds of Councils are worthy of comparison. Wages Councils are empowered to submit to the Minister of Labour proposals for the fixing of minimum remuneration, length of normal working day and/or week, rates of payment for overtime, and associated matters. Although they are statutory bodies, it is the Minister who makes the Wages Regulation Order, which will have the force of law; he may object, and in some, but very few instances, has declined the proposals submitted to him. In the Health Service, agreements of the Whitley Councils are submitted to the Minister of Health and the Secretary of State for Scotland, who have the right of withholding approval. When the Ministers have approved an agreement, the rates of remuneration are binding on all employing authorities, which must pay the precise rates. In both cases, therefore, although for different reasons, there are the elements of Ministerial approval,

<sup>1</sup>I acknowledge with gratitude the help I have received, in describing the work of Wages Councils, from reading the work, shortly to appear, by Mr. C. W. Guillebaud on *The Wages Councils System in Great Britain* (Nisbets).

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enforcement and complete application to the employers concerned. Indeed, it is possible to argue that the Councils of the Health Services are more akin to Wages Councils than to the original Whitley conception. The latter clearly defined a form of negotiating machinery which was voluntary, with an absence of any state intervention, the decisions being without legal force and not necessarily applicable to the whole area of a trade. It may be noted that it was originally intended in the Health Service to set up regional joint committees subordinate to the Functional Councils, but as the latter laid down national standard rates there would be little scope for regional committees, and indeed, in the event, they were not established. Decentralisation would have been typical of the Whitley conception; its absence and the element of direct participation of ministerial representatives call in question the use of the term Whitley in the title of the Councils of the Health Services.

Wages Councils consist of equal numbers of representatives of employers and workers together with not more than three independent members, two of whom are appointed as Chairman and Vice-Chairman. All appointments are personal and are made by the Minister, who is required to consult appropriate organisations before appointing representative members. The independent members, once appointed, are not responsible to the Minister for their actions and are not subject to any ministerial influence in the exercise of their powers.

The independent members attend all meetings of the Council. The two Sides may be in agreement, in which case there is no effective contribution required from the independent members. It is in the event of a difference that they exercise their influence, this being done, not so much in full formal Council, as by a series of private consultations with the Sides. In that process, the independent members confer separately with the leader and secretary of each Side with the intention of narrowing the gap between them and, if possible, arriving at an agreed settlement. If the private conciliation efforts have been successful, the full Council meets again and an amended motion is carried by the votes of the two Sides; the independent members abstain, thus, after an arduous day, finding their reward for well doing, in accordance with the highest precepts, not openly with the sound of trumpets before them, but secretly in their own closets.

If a settlement cannot be induced, the independent members may use their vote. This may be for the support or rejection of the original motion before the Council. Alternatively they may have indicated to one Side after lengthy private negotiations, that support will be forthcoming if a concession is made, in which case that Side will move an amendment embodying the new offer which will then be carried by the independent vote. If dissatisfied with all proposals from both Sides, the independent members may refrain from voting, in which rare case deadlock and inaction ensues until the Council meets again. There may be cases also where the independent members refrain from voting on the ground that in the absence of agreement between the Sides it is undesirable that a provision should be imposed upon the industry by independent vote.

It will be evident that the independent members may find themselves acting in an arbitral capacity. Nevertheless they are far from being arbitrators

in the sense of being empowered to impose awards upon the Council. They are members of the Council, but they give their vote only for a motion moved by one or other of the Sides ; indeed, in the face of a joint motion from the Sides, they are powerless. It is the influence as conciliators which is the important contribution that they make. In a large proportion of cases, their efforts result in agreed motions. Moreover in some cases, even when the independent members use their vote, it may be less unwelcome to the opposing Side than would appear on the surface ; privately convinced, the members of that Side may yet publicly oppose, knowing that the motion will be carried in a way which leaves them free to explain to those whom they represent that the responsibility rested on the other Side and the independent members.

*Independent Members for the Whitley Councils .*

The Whitley Councils for the Health Services may now be considered in relation to their composition and procedure. They consist of some 50 members in two Sides, representing Management and Staff, the chairman being appointed alternately from the two Sides. By their constitution, decisions are to be reached by the concurrence of both Sides, every effort being made to accommodate differences of opinion in order to reach an agreed decision: otherwise arbitration may be sought externally. The two Sides usually meet separately before coming together in full Council where considered views are exchanged and elaborated. In the absence of agreement, the Sides withdraw for private review ; there may be some exchanges at that stage between the leaders of the Sides, but they are likely to be of a limited nature. The full Council will then reconvene, for presentation of modified views or reiteration.

The negotiations therefore take place in the full Council, with the result that there is a lack of the flexibility which could be introduced privately. Moreover the chairman of the Council has to bear the strain of guiding his own Side, which is by no means homogeneous, during its separate meetings, and also presiding impartially over the full Council, this sequence being repeated frequently during the course of protracted exchanges. It may well be suggested that this is too great a burden on one person. The result tends to be that the Chairman of the Council is inhibited from acting as an impartial guide of, and stimulus to, discussion. This is a loss to any body of persons engaged in discussion, and particularly so when they are organised as in the Health Service, in the form of two Sides who are enjoined by constitution to reach decisions by concurrence of views.

The services of an independent chairman would therefore be helpful in the formal discussions of the Council. Even more valuable, however, would be the conciliatory function he could discharge. It is for this purpose that additional independent members would be desirable. The task of conciliation is a delicate one, calling for skill and judgment ; it may be assigned to one person, but a combination of persons would bring into play a wider range of experience and opinion. The process of conciliation might well be similar to that operating in Wages Councils, the independent members consulting the leaders of the Sides separately with the intention of reducing the difference. This would have the result of increasing the speed of negotiations, as the

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Sides respond more quickly to private suggestions of modification than they do in full formal Council. Quite serious difficulties have been resolved by Wages Councils in one meeting. Even if no other purpose is served, independent members, without voting, can therefore facilitate negotiations by providing the opportunity for each Side privately to test the strength of the positions taken and to make modifications accordingly. It is a process of inducing agreement by substituting informal adjustments for the formal collision of Sides in full Council.

Important consequences flow from the fact that the independent persons are members of the Council. They gain an intimate knowledge of the work of the Council and become familiar with the personalities of representative members. They themselves, if they are to be successful, must gain the respect and confidence of both Sides ; when they embark on the process of conciliation they do so partly as impartial assessors but also as known, accepted and knowledgeable participants. If, possessing votes, they are compelled on occasion to use their powers, then, even conceding the assumption in some measure of arbitral authority, it still remains that the decision is one of the Council, reached quickly, the arbitral element having been introduced by participants in the negotiations. This may be contrasted with the submission of disputes to external arbitration, the justice of which will not be in question, but which will involve delay and the promulgation of an award by persons who have not participated in the negotiations and who make no disclosure of their approach to the matters in dispute.

The Health Service Councils differ in one important respect from Wages Councils : the consequences of their decisions fall upon public funds and not upon private industrial resources. It has been evident throughout the discussion of the functioning of the Health Service Councils that they present an unusually complex problem as a result of the unavoidable element of ministerial responsibility. There can be no doubt about the necessity for ministerial representatives to participate nor for their prior consultations with the Treasury for the clearance of the financial proposals. Nevertheless, in the field of industrial negotiations, the apprehensions and fears of employees, irrational though they may sometimes be, play a part of considerable importance. It is perhaps significant that Clegg and Chester feel it necessary to refute the idea that " there sits in the Treasury a sinister figure who pulls the strings to make puppet representatives on the Management Sides dance to his tune." It might well be that the introduction of independent members would help to allay suspicions of this kind, which must be all the more powerful in circumstances where the employees are complaining that they are not negotiating with their real employers. There need be no consequential interference with the necessary process of co-ordination by the Treasury. A single independent chairman, or a very small group, acting for all the Councils might conceivably build up a position of great influence but even this could hardly challenge the position of the Treasury. It is in any case unlikely that such a development would occur. Here again the experience of the Wages Councils may be helpful, the practice there being to have a relatively large number of independent members, each serving on a relatively few Councils. In the case of the Health Service, it might be that each inde-

pendent member would serve at the most on say two Councils, including their autonomous committees. It may be argued, certainly, that an independent arbitral element would thereby be introduced into the Councils, but the experience of the Health Service indicates strongly that the principle of arbitration has already been conceded in handsome measure ; in any case, there still remains the final check of ministerial approval of the decisions of the Councils.

In their discussion of the proposal of independent chairmen, the authors express the view that it would not be easy to find a sufficient number of persons of the necessary ability and personality, and with sufficient time to spare even to provide each Council with a separate chairman. This surely is unduly pessimistic. Suitable persons\* are found for the Wages Councils, whilst hundreds of Hospital Management Committees have been able to call upon the services of voluntary members. The appeal of hospitals and of the health services generally is certain to call forth a sufficient number of people with the right qualities and a sense of public service.

#### Conclusion

The authors of *Wage Policy and the Health Service* close with a discussion of the relevance of experience in the Health Service to the possibility of a national wage policy. They find again that the conclusions are necessarily small because of the framework in which the negotiations are conducted. Because of the close Treasury control, the use of Ministerial regulations, the adoption of the doctrine of comparable occupations and the frequent resort to arbitration there is little evidence to be offered on the problem of enforcing a wage policy on private industry.

They give expression also to what might have been hoped for from the amalgamation of the various elements of the pre-1948 health services into one public national service. It might have given the opportunity to plan a new wage and salary structure on principles designed to satisfy the needs of the service, to provide labour of the right quality and the right quantity in each place and in each grade, and to offer adequate incentives for each employee to give of his best. But they find no such principles in their examination of the record of collective bargaining in the Health Service.

The book will indeed be disappointing to those who have at heart the interest of hospitals and the health services generally, and who perhaps have in mind the constitutional function of the Whitley Councils : " Securing the greatest possible measure of co-operation between the authorities responsible for the nation's health and the general body of persons engaged in the health services . . . with a view to the increased efficiency in those services and the well-being of those engaged in the services." The Guillebaud Committee, using the results of the researches of Abel-Smith and Titmuss, had already disproved (para. 23) the widespread popular belief that there had been an increase of vast proportions in the cost of the Health Service ; on the contrary, they had shown a steady fall in the proportion of the national resources (para. 20) devoted to the service. As to capital expenditure, the Committee

\*See F. J. Bayliss : " The Independent Members of British Wages Councils and Boards," *The British Journal of Sociology*, Vol. VIII, No. 1, March 1957.

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noted (para. 64) that this was three times as high at the end of the 1930s as it had been during the operation of the service and were moved to make the recommendation (para. 319), as yet not implemented, that the annual rate be increased to £30 million merely to restore the equivalent of the 1938 rate. The present authors now show that in the Health Service, the third largest employing organisation in the country, many grades of the half million employees are paid less than the broad class of workers to which they belong in the country as a whole. This is depressing reading but the fault is not that of Mr. Clegg and Professor Chester, to whom we are indebted for a meticulous and penetrating analysis.

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### *Institute Staff Changes*

MR. GEOFFREY BRUNT, the Institute's Publications Officer since 1951, left the Institute at the end of September to become Editor of the monthly journal of the British Hotels and Restaurants Association. During his service at Haldane House he was responsible for much of the work involved in the production of the Journal and in the issue of the Institute's other publications. The Executive Council regret the loss of a good officer and the staff the departure of a friendly and helpful colleague. His place has been taken by Mr. Richard Hewlett, who returned to this country recently after a period of service in Northern Rhodesia in the Oversea Civil Service.

At about the same time, Mr. J. H. Holl, the Institute's Membership Officer left to take up an appointment with the Royal College of Veterinary Surgeons, and his place has been taken by Miss Shirley Fisher, a graduate of the London School of Economics, who specialised in Government, and has just returned from a year's post-graduate study at the Ohio State University.

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# **Graduates in the Public Services**

## **A Comparative Study of Attitudes**

By V. SUBRAMANIAM

*This essay was commended by the adjudicators for the Haldane Essay Competition of 1956. Mr. Subramaniam is at present a Scholar of the Australian National University.*

IN April, 1955, the Government of India appointed a Committee to examine the question as to how far and at what levels the possession of a university degree is necessary for recruitment to the Public Services. About the same time the Australian Commonwealth was acknowledging the need for more graduates in its public service directly and indirectly. The evolution of these differing attitudes, starting as it were from exactly the opposite end in both countries, has many lessons for students of public administration. In this brief essay an attempt is made to study the interplay of social and economic forces on the problem of graduate recruitment in two different environments. India was a country burdened and ennobled by long traditions and was forced to face the modern west and problems of modern government under a process of conquest and subjugation. Australia was an empty continent, "the last sea thing dredged by Sailor Time!" It started free from the crippling bondage of ancient traditions, but with the heritage of western industrial technique and government taken directly over there by its first and successive waves of immigrants. To make the study more broad-based, comparisons are made with New Zealand, which resembles Australia in many respects, and also with Ceylon, which in some respects is a part of the traditional East which took on the superficial aspects of the West more eagerly than India. The plan of this study is first to set out briefly the facts regarding the problem, secondly to compare and contrast the developments in each country, and lastly to explain them on the basis of the operating socio-economic forces and to draw the lessons.

### *India*

The first statutory recognition of the usefulness of university studies in a modern public service was given in the Charter Act of 1853 in connection with the recruitment to the East India Company's Covenanted Service.<sup>1</sup> Centuries earlier, the use of learned clerics in the service of the state was common practice in Europe, and the elaborate process of study and preparation at the university for serving the king was well established in contemporary Prussia. India had its learned Brahmins in advisory positions for centuries. But Macaulay's introduction of competitive examinations of university honours standard for the East India Company's Covenanted Service set in motion a definite scheme of recruiting young men fresh from universities.

It is worthwhile to recount Macaulay's arguments and his scheme briefly since after more than a century the same arguments and similar schemes are used in the main even today. In his (now famous) speech in the Hous

of Commons in 1853, and in an earlier speech in 1833,<sup>2</sup> Macaulay recounted all the arguments in favour of the young trained mind with general education for administrative positions. His contention in 1833 that whatever be the subjects at an examination, the men at the top would be superior, was elaborated by his dramatic reference in 1853 to the leading lights of the House, and outside it, and the promise and brilliance of their scholastic career. It was characteristic of Macaulay that he should turn the tables on Lord Ellenborough, who opposed the validity of such examinations, by referring to the latter's brilliant scholastic career. His statement : "It seems to me that there never was a fact proved by a larger mass of evidence or a more unvaried experience than this, that men who distinguish themselves in their youth above their contemporaries almost always keep to the end of their lives the start which they had gained," is still widely quoted on the subject. His insistence on general education as opposed to early departmental specialisation was equally dogmatic. "Men who have been engaged up to one and two and twenty," according to him, "in studies which have no immediate connection with the business of any profession and the effect of which is merely to open, to invigorate and to enrich the mind, will generally be found in the business of every profession superior to men who have at eighteen or nineteen devoted themselves to the special studies of their calling." In defence of the literary nature of the examination, Macaulay suggested that study of dead languages facilitated the study of modern ones, and that the safeguards against the smatterer would secure only the basically best men. The argument that examinations were no test of character, Macaulay countered with his affirmation that self-denial and application to study in youth instead of pleasure was a proof of character and ability.

The Macaulayan arguments were advanced in defence of competition as against patronage and hence the question of recruitment of graduates in preference to young school-leavers (within the framework of competition) was not directly dealt with, nor was the question of having an administrative class, directly recruited (as against filling such positions by promotion from the ranks recruited at school-leaving age). This was so, for the very simple reason that to Macaulay as to his brother-in-law, Trevelyan, these questions were interrelated. Nevertheless, it is possible to disentangle the serious arguments for recruiting graduates (of honours standard) with a general education in the Classics and Humanities, from the merely subtle arguments<sup>3</sup> for competition only, at some level. His specific reference to two and twenty as against eighteen or nineteen, and his preference for studies which merely "open, invigorate and enrich the mind," make it clear as to what he is driving at, even apart from the whole tenor of his speech. Secondly the syllabus and the list of subjects which his committee drew up were meant for an examination at honours level.<sup>4</sup> It is necessary to emphasise that in Macaulay's mind, graduate recruitment and competition were interrelated—since many of his arguments for competition have been employed for competition at school-leaving level, for example, in the early annual reports of the Commonwealth Public Service Commission, and some of his sonorous sentences have been repeated in other contexts.

Macaulay did not find it necessary to say anything particular about an

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administerive class for the simple reason that it was the only class he was talking about. In the early days of the East India Company, English boys with little school education were recruited as factors and writers. As the territories of the Company expanded, as their political responsibilities overshadowed their commercial, the practice grew up of employing Indians for all subordinate clerical work and Englishmen for the superior positions. The practice of excluding Indians from the latter had grown up from the time of Lord Cornwallis—in spite of a Munro and an Elphinstone and clauses in the Charter Acts.<sup>5</sup> Moreover some Governor-Generals had already objected to having very young men from England thrust upon them.<sup>6</sup> Things had so shaped themselves that the only class Macaulay could talk about for recruitment in England was the administrative class. He could graciously omit the elementary distinction between intellectual and routine work and recruitment at two levels which Trevelyan and Northcote found it necessary to dilate on.

In a sense competition, graduate recruitment and the administrative class are the triple gifts of the Indian Empire to Britain. The vivid feeling of Imperial responsibility definitely hastened the realisation of the triple ideals—even more than the revolutions of 1848, the Romillian tracts on Civil Service Reform, or the fear of an efficient Prussian bureaucracy. The ideal, tried and found workable in India, was taken back to the mother country fully fledged in 1870, when the Northcote-Trevelyan proposals were finally implemented. The Macaulayan scheme was left unchallenged, since few people were interested in Indian administration either way. It was possible for Macaulay and Jowett to make their convictions the basic principles of Indian personnel administration, and thence by a devious route of British administration. The objections raised against competition or the university man or a literary examination were voiced two years later against similar proposals in the Northcote-Trevelyan Report. Some of these objections were raised again, against admitting Indians to the Superior Services in India, in later years.

The exclusion of Indians from the higher services was nearly a century old in 1857. The holding of the Indian Civil Service examinations in London made a mockery of the clauses in the Government of India Acts (of 1833, 1853 and 1858) assuring that no native shall be excluded from any office on the grounds of race.<sup>7</sup> The fortuitous timing of the establishment of the Indian universities to coincide with the virtual monopoly of the superior posts in government to the products of Oxford and Cambridge—and the bitter racial feelings engendered by the rising of 1857—had disastrous political and social consequences in the long run. These consequences gave a turn to the history of India entirely different from (her close neighbour) the island of Ceylon.

The very first consequence of university education in India seems to have been educated unemployment,<sup>8</sup> which has been always with India since then. While the lawyers could practise a profession, the Arts graduates depended largely on posts in Government Service. They were denied the posts in the Superior Services (as the administrative class was called in India). Many of them entered the lowest rungs of the clerical service, while others

found even such posts difficult to get. As a result early Congress politics had two significant features. The legal profession became the only one in which the products of the Indian universities could attain the full height of their stature, and lawyers were in the forefront of national life. Gaining the right of entry for Indian university graduates into the Indian Civil Service became an important plank in the Congress platform. S. N. Banerjee's country-wide agitation for simultaneous examinations for the I.C.S. in India preceded the inauguration of the Congress. Almost every Congress Session till the First World War passed a resolution demanding simultaneous examinations. "Indianisation" of the Superior Services became an obsession with all Nationalists till 1920, when Gandhian Satyagraha threw it into the background.

The value of graduates as such to fill administrative positions was not seriously disputed in India. India had a long tradition of an organised bureaucracy, based to some extent on the caste system, and it was the members of the traditional bureaucratic castes which supplied the large rank and file of the administrative hierarchy in British India.<sup>9</sup> India also had a tradition of respect for learning as such and the use of learned men in administration. If an outlet had been provided for the best products of the Indian universities of those days in the Indian Civil Service along with their compeers from Oxford and Cambridge, it would have been welcomed as the natural corollary of the establishment of university education on western lines. The opposition voiced in Britain to literary examinations would not have been encountered in India at that time. It might have changed the course of India's history not only in her administrative development but also political progress and the evolution of university education.

Let us summarise the disastrous consequences. The cream of the Indian universities met with a double rebuff. They were denied the natural employment of their talents in administration and they found no outlet for them in representative institutions either. Secondly those of them who found in the practice of law a means of self-expression were humiliated by English racial arrogance, a poisonous remnant of the rising of 1857. There are indications that the cumulative frustration of the educated might have taken dangerous forms of expression but for the formation of the Indian National Congress in 1885.<sup>10</sup> But the attitude of inveterate opposition to "bureaucracy" (into whose portals Indians were not admitted in practice) left a lasting scar on Indian political thinking. Years after the grant of representative institutions, the Congress men used them only to heap abuse on the bureaucrats, and even in power they could not easily learn to treat their secretaries with confidence as subordinate advisers.<sup>11</sup>

A detailed account of the political ramifications would involve an analysis of Indian political history till the First World War. But an idea of the damage done can be gained from the pages of Valentine Chirol, who cannot be blamed for extreme sympathy with the Indian viewpoint. According to him— "for many years the Congress mainly reflected the growing estrangement between the official world and the Western-educated classes." The bureaucrat from Oxford or Cambridge was by tradition and example at home with uneducated rural India in paternal governance and not with his compeers

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from the Indian universities. He called them a pack of talkers, "making up for lack of practical experience by unpractical displays of pompous or even truculent oratory." But the bureaucrats' obsession for the "voiceless millions" was equated in Oriental hyperbole to the tears of the crocodile.

Some English observers were not unaware of this dilemma created by "education but no part in administration."<sup>12</sup> But the governing bureaucratic class saw a way out in a set of arguments, which they repeated till the early 20s of this century. They were used to damn both the literary education at the universities and the competitive examination based on it. It is interesting to compare them with the arguments advanced against the Northcote-Trevelyan Report by its critics.<sup>13</sup> Sir James Stephen's criticism that the prizes to be won were not worthy of the foremost competitors for academic honours was disproved by the fact that till the First World War some of the best Oxford and Cambridge men were eager recruits to the Indian Civil Service. It became operative in England when the Indian Civil Service began losing its glamour. But in India the Civil Services have not lost their position as the prime magnet in the employment field even now. The trite *dicta* about the unfitness of academic men for administration were repeated later in India by the very men who would not have been Indian administrators if such *dicta* had been accepted in 1855. Lord Brougham saw in the Northcote-Trevelyan Report the schoolmaster abroad, while Lewis was against an examination in Classics. Drummond, Member for West Surrey, summarily declared—"of all classes of human society, literary and scientific men are the least competent to manage men and things." The Marquis of Salisbury cited the failure of Newton at the Mint, while Wilson, a former Financial Secretary to the Treasury, feared that the system had already led to cramming.

The reasons advanced to keep the Indian graduate out of the Superior Services were less honest and more complicated. The critics in some cases had deceived themselves into believing in these arguments, while in other cases it was just rationalising a position which was convenient to themselves. The British rulers as a class were not willing to part with power either in the form of representative institutions or a share for Indians in the higher administrative positions. Since the demands for these came from what they called the "new literary class," they damned their "literary education" in many ways. They secondly discovered virtues in the non-literary feudal aristocracy. Lastly they found that education was monopolised by castes and groups and eagerly met the demands for communal distribution first of administrative posts and then of education as well. A brief summary of the three classes of arguments is attempted without much regard to their chronology.

(a) The plain anti-literary arguments briefly amount to this: The graduate in Britain is assumed to have certain traits of character. Such an assumption cannot be made of the Indian. He is just clever. His apparent intellectual prowess is the result of "cram." He cannot govern the manlier races of India nor deal with simple village folk. The Indian university cannot now provide the atmosphere to manufacture the English product. The Indian must go to British universities and compete

in Britain to get the proper trade mark of governing ability. Sir John Strachey set out these arguments with brutal frankness while the Public Service Commission of 1886 embroidered them.<sup>14</sup> The argument was since then repeated by Englishmen of varying eminence, till the establishment of a Public Service Commission in India in 1926. But by sheer repetition it has left an alluvial deposit of ill will against the graduate. But more of this later.

(b) The pro-feudal-cum-anti-literary arguments were advanced by the despoiled feudal Muslim nobility mainly, though a few Hindus joined the chorus later. Evidently they found the graduate of low origin in power over them galling indeed,<sup>15</sup> to many Muslims doubly galling since often he was a Bengali Hindu. They described the virtues of birth and family connection in petitions.<sup>16</sup> Sir Syed was honest in his contempt of the B.A. and M.A.<sup>17</sup> Some early Viceroys had a genuine illusion that the British institution of the Justice of the Peace based on local landed gentry could be worked in India.<sup>18</sup> Lord Lytton even instituted a Statutory Civil Service to which were nominated the scions of noble families.<sup>19</sup> But later the feudal argument was taken more seriously, since at some point of time near the turn of the century, the British rulers of India executed a somersault. They were alarmed at the results of their Macaulayan mission of breaking up feudalism; the products of their work challenged them, while the feudalists seemed their natural allies in sticking to power. Hence their new solicitude for Zamindars and Princes. But this policy was a resounding failure. The Statutory Civil Service died unlamented. The Princes and Zamindars could not sweep back the tides of Nationalism. The decaying Indian feudal castes had nothing in common with the more progressive leisured classes of Britain, who sent their sons to Oxford and Cambridge, or sought entry into the Foreign Service or Parliament.<sup>20</sup>

(c) The communal argument partly flowed from the feudal argument. The first vociferous feudalists were the Muslim Taluqdars of Oudh and the Tiwanas and Malkanas of Punjab, and they transposed their argument for consideration as the landed aristocracy to consideration as representing the Muslim community. The transition was gentle. A proportion of the posts were in a way reserved for Muslims in Punjab and the United Provinces by executive *fiat* with extensive resort to nomination early in the century.<sup>21</sup> In 1917, the non-Brahmins of Madras organised the Justice Party to get a fair share of government posts for non-Brahmins. The proportions for the various communities in Madras was fixed by a legislative resolution called the Communal G.O.<sup>22</sup> Other Provinces followed suit.

These arguments were used at first to decry the Indian graduates' entry into the Superior Services and later to decry written competitive examinations. But as time passed, the feudal classes shrank in importance, and the rising tide of Nationalism made recital of the early arguments about the lack of "certain traits of character" in the products of Indian universities impossible. All communities were flocking to the universities and nomination was slowly

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given up. The communal claims were adjusted within the framework of competition.

While the arguments and the political conditions that produced them disappeared, they left an alluvial deposit of evil, first on university education, secondly on graduates themselves, and thirdly on the general attitude to both.

(a) The first universities of India were based on the model of London University, which in 1857 was an examining body. While this placed stress on examinations, the stress was multiplied by the prevailing conditions. The economy of the country was then largely agricultural and the only outlet for the graduates was in government service or the professions. Since the latter got crowded, the pressure for government posts with their security and pension rights became intense. If the Indian universities had started as teaching residential universities, producing a limited number of graduates, and if the Indian graduates had been admitted from the early days to the Superior Services, Indian political history would have been different. In fact this was in effect the thing that was done in Ceylon and turned the course of her history. But the tide once it started flowing could not be stemmed at all. While the bureaucrats pointed the finger at the universities as cram shops producing routine clerks, the new *literati* thought that a foreign government was intent on denying them education to keep their minds in slavery. Many early efforts at university reform were doomed to failure due to this subconscious battle of attitudes, and men like Lord Curzon had a way of mixing the good of reform with the evil of official control and the heavy hand that simply ensured failure.<sup>23</sup>

(b) The Indian graduate in and outside the government service was collectively demoralised. In the Service he started as a clerk and plodded on, under a variety of discouraging conditions. Out of it, he spent a lot of time trying to get into it before he set his hand to anything else. In India it was never a question of lack of sufficient general graduates to man the higher administrative positions. It was a profusion of them, filling the meanest clerical jobs. Indianisation of the Superior Services opened the way to the best of them to get directly into the administrative class, and for some hardworking men in the Service to climb up. But the excess of supply over demand has always complicated the situation. When the minimum qualification necessary for a Provincial Public Service examination for clerks like that of Madras was the school-leaving certificate, a good number of graduates within the age limits were found competing. The same was the case with many other classes of posts in the Central Services and the Services of other Provinces. This in fact slowly led to the prescription of a degree as the minimum qualification for many clerical positions. It was not unusual for a graduate competitor who got (say) the twenty-first rank in the examination for the administrative class, when twenty were selected, to plump at once for a position in the clerical ranks. The position has improved considerably since the dark days of the depression of the 30s. There is a dearth of the proper type of recruit in the clerical services and many graduates are

leaving the Service quickly, but the quality of personnel available for the administrative class has not shown any conspicuous decline.<sup>24</sup> There has been much industrialisation, and more ambitious graduates are turning to careers in business and industry. But the increased output of graduates, too many of them in the Arts and Humanities, has kept graduate unemployment at the usual level.

(c) The general attitude to graduates was that they could be had for the asking. Quite a few Secretaries of Government, in those days, passed unkind remarks on the cheapness of graduates. Profuse advice was given to them to go into business on their own, to go back to the villages or to do social work. The late 20s and early 30s witnessed the depth of contempt into which graduates could be sunk. The craze for white-collar jobs was partly a corollary of the caste system, since the upper castes who did not usually do much manual work flocked to the colleges and chased clerical stools in Secretariats. Miss Mayo drew a picture of it in lurid colours.<sup>25</sup> An instance has been given of a son of a large landowner hankering after a clerk's post and such instances could be multiplied. The 30s no doubt left a deep scar. The fact of there being too many graduates with too bookish an education, and with nothing to do, was perverted by many into the strange assumption that a non-graduate can always do things better than a graduate. The late Sir P. C. Ray equated the price of a graduate with a bowl of soup in the 30s. The Gandhian Congressmen were approaching the problem in two ways. Gandhiji had often said that the educated man in India was divorced from his fellow countrymen. He had denounced Western university education in very strong terms and had called upon all students to leave their schools and colleges. Even the cultured Jawaharlal Nehru confessed that he sent his daughter to Cambridge, since he felt that Indian universities were then too slavish. The Indian press in the 30s was full of ridicule and contempt for the poor graduate.<sup>26</sup>

The present move to investigate whether the government could lower the qualification for entry into the clerical ranks owes something at least to the penumbra of anti-graduation of those days. Many Congress leaders have not broken their umbilical cord with the 30s and their simple half-truths. The other strand of thought—that education must be more national, and more craft-centred—with its Wardha scheme has also some bearing on the present trend. There is, however, one substantial argument advanced to discourage graduates from clerical ranks. It is a waste of talent and training—where the actual requirements are just a knowledge of book-keeping and patience and minimum intelligence for routine work. But the present impasse is the result of a century of misdirected effort. Namely too many not keen about university education as such flocking to "cram shops" to get their degrees as passports to jobs in the public service. The attempt to lower the qualification for clerical entrance looks like putting the cart before the horse. The root of the problem is somehow to limit university education only to those who can benefit by higher learning and research.<sup>27</sup> There will then be no graduate frustration in clerical ranks, the university-trained mind having its due place in the administrative class only.

*Ceylon*

Ceylon, like India, faced Western civilisation through conquest. But there was no 1857 rising with the aftermath of racial bitterness. Indeed the conquest of Ceylon was in easy steps. The changeover from a feudal to a plantation economy of cash crops was again patently smooth. All this encouraged a member of the Colebrooke Commission to see in Ceylon a centre of Western culture radiating it to the East.<sup>28</sup> These facts made for a difference between the later history of Ceylon and India. But the educational development and the policy of recruitment to Government Service contributed even more to the result.

The Colebrooke Commission in 1832 recommended that the Higher Civil Service be thrown open to the natives, and this was done in slow stages.<sup>29</sup> There were two Ceylonese in the Civil Service in 1844. Between 1870 and 1880 identical papers were set in Ceylon and London. Even as early as 1891 a lower division of the Civil Service was created with posts reserved for the Ceylonese, and later some posts in the regular service were reserved as the local division. It would be seen that in Ceylon the rulers were granting a share of the higher administrative services to educated Ceylonese from the very early days. On the other hand, a local University College was not established in Ceylon till 1924 to enable local aspirants to qualify for London degrees.

The few graduates available in the island had graduated in British Universities with scholarships or in Indian Universities. The most fertile source of strong discontent and of ardent recruits to anti-British agitation—namely an insulted and unemployed intelligentsia—did not exist in Ceylon. It was typical of Ceylon that one of the chief sponsors of the Ceylon National Congress, Sir P. Arunachalam, took the simultaneous examination for the Civil Service in Ceylon and served for long in its ranks. It was typical of India that the main sponsor of the Indian National Congress, S. N. Banerjee, went to London to compete and get into the Indian Civil Service, and was dismissed from service in India at the earliest opportunity.

The lack of an angry unemployed *literati* based on local universities made all the difference between the course of political history in Ceylon and India. The new middle classes in Ceylon had ample opportunities in Government Service and plantation economy. While missionary effort had spread schools and secondary education very widely all over the island, a local university was established only in 1947, ninety years after the first Indian universities were established. The University College of Colombo was producing a hundred or so graduates of London University each year from 1924 onwards. The best among them competed for the local examination for the (Ceylon) Civil Service, while the rest were easily absorbed in other semi-government jobs.

Graduate unemployment on any considerable scale was practically unknown in Ceylon except during the 30s. The institution of the administrative class was accepted by a people accustomed to caste. The almost deliberate delay in establishing a local university helped to match the level of employment in the upper rungs with the rate of graduate production. Conditions as regards graduates in Government Service approximated more closely to Britain than to India, on the surface.

The new Ceylon University too seems to be following the policy of matching graduate production with employment at proper levels. This is achieved by limiting entrance to the University itself by a competitive examination called popularly university entrance examination. The average annual turn-out was 300 (including about a hundred doctors and engineers) and has now increased to 475, of which 147 are doctors and 31 are engineers. Of the general graduates the best are taken by the Ceylon Civil Service (Administrative Class) and quite a good number go into staff officer grades, which are higher in status than the Executive Class in the United Kingdom. The rest are easily absorbed in commerce or in teaching. The plan of matching supply to demand has been elaborated more than once by the first Vice-Chancellor himself.<sup>30</sup>

Ceylon presents a picture in a way akin to Britain of the nineteenth century, minus her industrial revolution. A few families sent their sons to Oxford and Cambridge, and many of these found their way into the Home or Indian or Colonial Civil Services by competition.

In Ceylon the old feudal aristocracy has converted itself into the middle class and has nearly monopolised Western education and the higher rungs of the Government Service and professions. This has conduced to the natural acceptance of the idea of an administrative class all the more easily. The difference with India is worth repetition. India accepted the idea of an administrative class selected by competition due to her tradition. But it was not the feudal classes that constituted the new middle classes, but classes like Kayasthas and Brahmins kept under by the feudal classes before British rule. The new middle class accepted the idea of an administrative class based on graduate-competition since they would gain by it, and demanded simultaneous examination and Indianisation. The old feudal classes and the alarmed British had therefore to invent arguments against the new middle class and its demands.

#### *Australia*

It is worthwhile starting with a few commonplaces of Australian history and Australian background.<sup>31</sup> The continent was peopled mainly by immigrants of the British race in successive waves throughout the nineteenth century. Before the turn of the century the two important traits in Australian history had emerged. The first was that egalitarianism noted by Westgarth as early as 1853 and by Anthony Trollope some years later. The Australian press and literature of the last quarter of the nineteenth century were full of it. David Syme, of *The Age*, thundered against the oligarchy of Britain, while *The Bulletin* of Sydney was fostering the legend of "mateship," through the writings of Henry Lawson and Collins. The young democracy wanted to see the rich and educated "educated down." There was a growing bourgeoisie, the new rich, but they had no traditions though they tried to imitate the externals of the upper classes in Britain. But the "wealthy lower orders" never enjoyed political power. The politicians, like everyone else, stuck to the myth of "egalitarianism."

Closely related to this was the note of pragmatism. The first settlers as well as the later immigrants had to develop the resources of the continent

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as quickly as possible. This they did in spite of some periods of stagnation. The Government was called in to aid as well as initiate development. This facing the bare realities of nature contributed a note of pragmatism to Australian public life. The politicians and public men in general had not much use for the imponderables. There was no substantial "leisured class" to indulge in them. There were universities before the end of the century, but even university education assumed a utilitarian aspect. The lawyers, doctors and engineers were needed by the country. Some graduates in the Humanities were needed by the teaching profession at all levels.

These facts dictated the attitude to public service and graduate recruitment in the crucial 80s and 90s of the last century. It was not as if the Australian statesmen were faced with the clear alternative of recruiting graduates straight to an administrative class or having young lads from the base grades of the public service work their way up by sheer experience. On the other hand all the conditions that brought about the administrative class based on university education were absent in Australia; no leisured class with sons at Oxford and Cambridge getting a liberal education; not many general graduates commanding respect in commerce or journalism to exercise any political pressure; no Indian Empire to evoke pride and unload the Oxonians on to, in the first instance; no dons from the universities in Parliament, like Macaulay, to bite the ears of top statesmen who themselves came from "Oxbridge"; and no subtle method of doing things like the Order-in-Council away from the vulgar gaze. It was typical of Australia that nobody paid any attention to a lone English journalist who described a future Australian Public Service based on the British model.<sup>32</sup> The Australian politicians and ministers were then mostly men with no university education, who, of course, could not see, like President Jackson, any virtue in what they did not have. A democratic country concentrating on the immediate mundane task of development could not see any virtues in the non-professional graduate in the Humanities, "the effect of which is simply to open, invigorate and enrich the mind." It was his own business if he opened his mind instead of opening up the outback. The tasks of government were comparatively simple and there was no Foreign Office calling for a knowledge of history or the classics. The Australian colonies were granted self-government about the time of the Northcote-Trevelyan Report. The pipe line, thin as it was, through which might have flowed the idea of a university-centred administrative class, was cut. And since the Commonwealth took over its big departments in 1901 from the States, there was no opportunity to institute such a class since all the possible posts in it were already filled by the state officers.

This state of affairs tended to perpetuate itself by sheer force of inertia. Attempts were made in the States of Victoria and New South Wales, however, to institute stiff promotion examinations of a broad general type before a clerk could become eligible for higher administrative work.<sup>33</sup> The Victorian examination provisions were not observed in practice. It was quite characteristic of Australia that the New South Wales Public Service Board, though envisaging the need for an administrative class early in the century, thought only in terms of recruiting from inside the Service, through a staff

higher grade examination which they hoped would reach honours standard. By 1938 the examination was given a more liberal content and exemption was accorded to graduates and others with equivalent qualifications. The in-service examinations in the other States seem to be more departmental in nature. In the Commonwealth Service there were many promotion examinations, mostly departmental.

There were many criticisms of this policy of recruiting only at the base in the post-war period. Evidence before the Mason-Allard Royal Commission tended to show that the best boys were going on to the university through scholarships instead of entering the public service. The state of affairs was best summed up by Sir Keith Hancock in these words:<sup>34</sup>

"Australian Governments insist generally upon the rule that everybody must enter the public service at the age of 16 or thereabouts. At the same time, by means of an excellent system of scholarships, they cunningly entice the cleverest boys to the universities. When they have been enticed thither, these boys discover unless they have entered on a strictly technical training, that there is nothing for them to do except teach. So they return to school and encourage other clever boys to win scholarships. In this way the State has most ingeniously contrived that its system of democratic education shall not embarrass the public services by introducing into them resplendent talents."

But in spite of criticisms, and even some definite proposals for graduate recruitment at a higher level, by both the New South Wales Public Service Board and the Allard-Royal Commission, nothing came out of all this due to the pressing problems of the war and the stark reality of veteran preference in the after-war period.

A left-handed acknowledgment was made of the value of university education in the various states and the Commonwealth in the late 20s and early 30s. "Time off" was given by some services to their officers to attend lectures and take their degrees. The Commonwealth Public Service Board since 1928 found a limited number of free places for some of its promising officers in the universities. The Victorian system was similar. This less than halfway house, however, gave rise to the smug assertion that this part-time graduate was as good as, or even better than, the full-time university man with his mind "opened, invigorated and enriched" particularly by lack of preoccupation with any professional duties. Public Service Commissioners during the 30s especially were found to take this attitude in the face of criticism. The attitude of the New South Wales Board—in response to a suggestion of Mr. H. B. Turner in 1937 for recruitment of university graduates to an administrative division—was just typical of the general attitude. The assumption that "the man who graduated through the Service rather than the man who graduated through the university was the more efficient administrator" was accepted by the Public Service Authorities and Associations.

The dearth of officers with broad general education in the administrative division was not made evident through any disastrous failures in administration. The Commonwealth was safeguarding itself exactly as the pre-Northcote-Trevelyan Civil Service of Britain did. Sections 44 and 47 of

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the Commonwealth Public Service Act were used liberally not only to recruit professional experts but men with a good university education and proved ability. For example, the first three officers and the permanent head of the newly-started External Affairs Department were university graduates brought in from outside the Service. So were the special appointments to the Defence Department, the Post Office, the Taxation Branch and the Public Service Board.<sup>35</sup>

The first provision for admitting the general graduates as such into the public service was Section 36a of the Commonwealth Public Service Act.<sup>36</sup> The amendment passed in 1933 was the occasion for focusing the arguments on both sides. The Public Service Associations condemned this new form of "privilege" and some Labour members were suspicious that university education was still restricted to the upper classes. The universities had been pressing the issue for some years. But the final acceptance of the idea by the Board and Government was rather in a "why not try" spirit. Criticisms like that of the British Economic Mission had started some soul-searching and the deterioration of the service as a result of the influx of ex-Servicemen was a stark reality. The Section provided for 10 per cent. of the total annual recruits to be recruited from university graduates. Initially they had no special increments and received the salary for the same age as the clerk recruited at school-leaving age. The amendment, taken all in all, looked like an invitation to the prodigal who chose to enter the university instead of the public service at 18 or 19, by just raising the age limit, but "Gad sir, no fatted calf." In 1948 the Board raised the minimum commencing salary three increments above the leaving certificate appointee of the same age. Surprisingly, the response to this half-hearted invitation was quite good; 67 out of 204 applicants were selected from 1934-41. Their progress in the Service was faster not only than that of the normal clerical recruits, but also than that of the free placeholders in the Service.

The Second World War gave a shock treatment to the traditional thinking on the subject of recruitment. The Public Services of the Commonwealth and the States failed to face up to the tremendous problems of a war economy. The expanding departments and the new agencies pressed into their service qualified personnel wherever they could find them from outside the Service.

But the period of reconstruction after the war called for even more administrative talent. The situation was met in two ways by the Commonwealth. The first was an increased resort to Sections 44 and 47 to get men of proved merit from outside. The Public Service Board felt that this was more a palliative than a solution, while the Service Associations protested vehemently. Partly because of this the Board began revising its recruitment policy indirectly. In the first place all efforts were made to obtain the full quota under Section 36a. Pamphlets giving the prospects for graduates in the public service were produced and closer contact with universities was maintained. Secondly, most graduate ex-Servicemen were found a place through Section 159, though the importance of this avenue has decreased of late. Thirdly more use was made of Section 47, not so much to get mature men, who had already made their mark, as to recruit young promising graduates. The Diplomatic Cadets, the Personnel Cadets and Assistant

Research Officers come under this category, though graduates in the Service can also be promoted to the last-mentioned. Indeed the Research Officer cadres with longer salary spaces seem to have been made a distinct career avenue for graduates. The influx of graduates from in and outside the Service to proper career avenues seems to have been also due to the wider discretion given to departmental heads in describing duties of posts and prescribing qualifications. Lastly the free place schemes and time off concessions seem to have been used by a large percentage of officers, at least in Canberra, while some new Australians, who have graduated from foreign universities, have entered through the Extended Leaving Examination, thus enriching the Service.

The following table gives an idea of the position in the post-war years.

Year	Graduates recruited under Section 36a or Regulation 153, i.e., as ex-service men					External Affairs Cadets	Personnel Cadets (d)	Assistant Research Officers (e)
	Men	Women	Total	Less those who left	Net Recruitment			
1949	26	16	42	14	28	0	48(a)	0
1950	74	50	124	46	78	7	62(b)	0
1951	82	61	143	57	86	0	0	0
1952	45	56	101	27	74	9	10(b)	0
1953	27	18	45	5	40	0	18(b)	0
1954	18	18	36	4	32	0	12(b)	0
1955	17	39	56	0	56	6	0	1

(a) In training.

(b) Recruited for the year.

(c) h means Honours graduates out of the total number.

(d) Personnel Cadets are given training in the university for four years *after* selection.

(e) Assistant Research Officers in this table include only those appointed as Cadets directly.

Source : Annual Report of the Commonwealth Public Service Board.

Some comparative figures for pre-war years are as follows.<sup>37</sup> During 1934-1941, 67 were admitted under Section 36a. Thirty-six of these were general Arts graduates, of whom about a quarter had obtained academic honours. One was a Rhodes Scholar, four were winners of post-graduate scholarships, four were first-class honours, one second, and two were M.A.s. In 1936, 39 per cent., and in 1953, 55 per cent., of the I and II Division officers were graduates. A survey made by the Commonwealth Public Service Board in 1956 showed that out of 1,743 officers drawing £2,000 per annum or more, 810 were graduates.

Graduate recruitment has been the subject of many recent discussions and articles. From the facts, figures and discussions, some significant common points emerge :

(a) The failure or at least the inadequacy of the free place scheme and time-off concessions.

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- (b) The good results in general of graduate recruitment and the rapid progress of graduates in the Service.
- (c) The inadequacy of the present methods of probation and training for the graduate, many of whom waste time in early years of dull routine.
- (d) The failure to distinguish between the brilliant and the plodding graduate, "the man with the first- or second-class honours, the f.a.q. pass-graduate, and the leaving-certificate entrant who has gained a degree by scraping through nine or ten of the simplest subjects he can find" being lumped together as graduates.
- (e) The need to have a better planned recruitment and better use of graduates. (One writer has suggested recruitment of bright cadets at leaving stage to be trained in universities; another the use of the probation and departmental competitive examination for graduate recruits.)

The main point of difference is whether the graduates' advancement is due to their general administrative ability or specialist qualifications in such subjects as Economics.

The legislative as well as extra legislative action has been *ad hoc*, consequent on the comparatively rigid nature of Public Service Legislation (except re Section 47) and the need to submit every measure experimental or long-term to the crucible of popular and parliamentary discussion. Hence every amendment of the Public Service Act is conceived only years after its need had been demonstrated. It is pruned to make it look acceptable even to strong opponents. Crises are met by makeshifts. Backstairs legalistic methods are preferred—e.g., more graduates get in as ex-Servicemen or Section 47 Cadets. The need for new skills is accommodated within the old departmental framework itself. As a result there is a paradox of widening opportunities for higher education in the 3,000 Commonwealth scholarships, but no direct acknowledgment of its utility in public service legislation.

#### *New Zealand*

New Zealand had much in common with Australia in her historical and social background. Responsible government coincided with increasing "development" of the country and the use of the State machinery for it. Again starting like Australia with no "ancient injustices" to be rectified, there developed the key note of egalitarianism in public life. The results were broadly similar; pragmatism, which recognised the value of the professional and the technician as against the intellectual with general culture, and egalitarian sentiment, which would not lightly accept differential recruitment.

Her acknowledgment of her public service philosophy was, however, both frank and self-conscious. Her public services were reorganised under the first Public Service Act as late as 1912. The New Zealand Public Service Commissioner could therefore recognise the alternatives of differential or base grade recruitment more clearly than the Australian legislatures and employing authorities of earlier days. In his second report, the New Zealand Commissioner, commenting on the Report of the Macdonnel Commission, realised that in the United Kingdom "a lad progressing from the primary

to the secondary schools and thence to the university was more worthy of consideration for a higher post in the public service than an officer who spent a similar time in the junior or senior class." He was also convinced "that any arrangement under which promotion to a higher class would be debarred to officers already in a lower one would be difficult if not impossible to apply in a country such as New Zealand where the public service and the education system have had to adapt themselves to altogether different conditions than exist in Great Britain, and where so many public servants do credit to themselves and the service by university work done by them after their appointment."<sup>39</sup>

The Commissioners from then on have laid their emphasis on in-Service graduation. In 1930 their Eighteenth Report (p. 4) commended the New Zealand system as more democratic than the English. Their Twenty-first Report (1933) elaborated this: "New Zealand is essentially a democratic country and no practice which might be inferred to give an undue advantage to those men who can afford to continue full-time studies at a university is likely to meet with general approval. Due consideration must be given to the claims of those already in the service who in their spare time attend a university college and graduate therefrom" (p. 4). The Twenty-sixth Report (1938) reiterated that "the Commissioners do not subscribe to the opinion that because they qualified before entry they are necessarily better equipped than those who graduated after entry into the service" (p. 13). Part-time studies were encouraged by time off, subsistence allowances (for professional studies), special increments and increased chances of promotion. Special emphasis was again placed on professional studies' particularly law and accountancy. The result has been a mass of all types of degrees and diplomas among the officers.<sup>40</sup> The accompanying table of holders of degrees in the New Zealand Public Service (Clerical Division) gives an idea of the trends.

Degrees		1913	1923	1933	1938	1954	1955
Arts	.. .. .. ..	17	75	108	174	222	185
Science	.. .. .. ..	19	63	133	256	Nil	Nil
Law	.. .. .. ..	47	135	222	282	161	140
Accountancy and Commerce and Insurance	.. .. ..	22	150	348	665	663	514
Professional examination in Public Administration	.. ..	Nil	Nil	Nil	Nil	50	53

(The table excludes the very large number of engineering students in the professional and general division.)

The effect on the university itself seems to have been regrettable. The pressure of the public service through staff associations to permit part-time study led in the pre-war period to a preponderance of part-time students, a result not very desirable to the academic staff.

Unlike Australia, there has been no statutory hurdle against the entry into the service of full-time graduates. Section 41 of the New Zealand

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Public Service Act prescribes an upper age limit of forty for its clerical and general divisions, extendable to fifty. This element of flexibility has avoided the need for amendments like Section 36a and the extensive use of reserve powers under Section 47 as in Australia. But the practice has been to recruit clerical cadets below 21, most of them having passed University Entrance or its equivalent, and the rest with school or higher school certificates. The poor recruitment of graduates resulted from the lack of any special inducements to them. The Commissioners, however, claimed in 1938 that the public service was a "prolific employer of the products of our universities," and gave a list of 451 graduates who had joined the service in the preceding ten years, of which 94 were Arts graduates (12 Ph.D.s, one D.Litt., and one M.Litt.), 36 were law graduates, 16 commerce graduates, and the rest engineers, doctors and other professionals.<sup>41</sup> It is evident from the figures that the service did not set much value by cultural degrees as a potential source of administrative ability.

After much pressure from the University, the Government appointed a Committee on "University graduates and the Public Service," composed of the Public Service Commissioner, the Solicitor-General, the various heads of departments, officers of Public Service Associations, the Vice-Chancellor of the University and representatives of colleges and schools. The composition of the committee seems to have ensured lack of agreement even on basic issues. A series of six sub-committee reports were produced setting out the differing viewpoints.<sup>42</sup> The report of the Public Service Commissioner said in effect that in the services there is an excess of degree- or diploma-holders, whether earned as full-time or part-time students; that after eliminating from the list of the university graduates who went straight to the university those who had deliberately chosen other avenues of employment, really little was left for the public service. The question in effect, he said, boiled down to this: "Is it preferable to admit young men after their university training or to take them before they begin or while they are still at the university, give them opportunities to learn the rudiments of their department's activities, and at the same time pursue their academic studies?" He felt that it had not been shown that the graduate appointee would be better than the officer who has graduated whilst a member of the public service. He added that the English administrative class has undergone many changes, that in the competitive examinations many in-service candidates did better than "Oxbridge" men, that New Zealand had too small an administrative division and no big Consular and Diplomatic Services, and that preferential recruitment would be against the spirit of the national feeling of New Zealand as a whole. The University Men's Committee, headed by Professor Hunter, said that while the public service had many graduates, they missed all the best of them, who went overseas for post-graduate work, that they felt the educational results of part-time study were unsatisfactory, that the consensus of opinion of successive Royal Commissions in Britain was that the administrator must be recruited after university study and set to work straight on higher administrative problems, and lastly what discouraged the best graduates in New Zealand from entering the service was not so much a low salary as the practice of setting them up to

do routine work instead of learning to form policy. Both parties agreed to disagree.

But the discussion seems to have had at least some indirect effect on recruiting policy. In the post-war period, the Commission set out to attract some of the best graduates with higher salaries and better prospects under a scheme of two years' probation in the various departments.<sup>42</sup> The measure of success of the new drive has not been assessed so far.

While there are similarities in the tales of graduate recruitment in New Zealand and Australia, important differences are noticeable. The flexibility of the New Zealand Act enabled slight changes of policy to be effected more easily. Secondly the issues at stake have been faced squarely and stated clearly in the discussions in New Zealand. Lastly in a small country with a single university, part-time studies seem to have had more effect on university education.

#### *Conclusions*

(a) The attitude to graduate recruitment in all the four countries seems to have been governed by two primary forces ; the class structure and the stage of "development" of the resources. These two are themselves interrelated. When a leisured governing class was interested in university education, an administrative class based on university education seemed just the thing. This was so in the United Kingdom, but even there the part played by accident is rather large. In India the new middle classes flocked to the universities and supported graduate recruitment because they were likely to benefit by it more than the feudal classes, even though the events showed that it was not the royal road to power. In Ceylon the new class structure corresponded more with nineteenth century England. In Australia and New Zealand the politically powerful classes did not correspond to the middle classes of Britain with leanings towards Oxford and Cambridge, but more with the new commercial classes, and to them graduate recruitment never suggested itself as a wheel of the state.

The stage of development accounts for the smooth acceptance of the idea for over a century in England, and for graduate unemployment in India. The new middle classes in India flocked to universities, but foreign rule and the slow breakdown of feudalism made development of the country slow. Bookish education and even technical education outstripped development and the opportunities for employment. In England the leisured and middle classes, having created the administrative class based on Oxford and Cambridge, were not slow in admitting the commercial and later the working classes into the portals of both. There was thus the surprising spectacle of an idea hatched by the Liberals and carried on by the Conservatives being enthusiastically acclaimed by Labour in later times. In Ceylon educational opportunity was in a way deliberately pegged down to keep pace with development in the interest of the new middle classes. In Australia and New Zealand a certain stage of development stratified certain notions of pragmatism and egalitarianism and telescoped them into succeeding stages of development.

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(b) The part played by accident, inertia and pressure groups is next in importance. The value of administrative class and university training were never widely discussed before acceptance. They became *fait accompli* at a peculiar stage of Indo-British history. Macaulay's sonorous periods did not make any serious impression in the House and Macaulay himself was not satisfied with his performance in 1853. His scheme was accepted since nobody was sufficiently interested in India. The Northcote-Trevelyan scheme was put into effect because of the peculiar machinery available in England at that time. The Order-in-Council of 1854 took it out of the forum of public discussion and step by step it was implemented by 1870. This was possible at a stage in English history when the ruling classes felt the impact of urgency and enlightenment, but before a fresh young *demos* got power.

The importance of inertia is illustrated better in Australia and New Zealand. The state originally kept out graduates because their value was not demonstrable and they came from the upper classes. But the arrangement continued long after the state itself acknowledged their value by backstairs recruitment (Section 47) and educational opportunity has been widened considerably by the state itself. This was in part ensured by the entrenched pressure groups of Public Service Associations.

(c) The lesson for new countries evolving their Civil Services is evident, viz., the need for development of the resources and of higher education to keep pace with each other. The way to do it without creating other problems is the task of the statesman. In Ceylon this has been done, in the writer's opinion, at too great a cost. In Malaya the same mistakes are being repeated. Again in the writer's opinion, a sound administrative class, even if it were based on limited opportunity and privilege, produces more good than evil in the long run under proper conditions. This has been demonstrated in Britain, in Ceylon and India. The challenging tasks faced by Britain during the two world wars and depression, and the tasks undertaken by the new democracies in India and Ceylon, would have staggered any other service without a *corps d'elite* in a country of limited resources. They cannot afford the muddles which new isolated unexploited countries can.

<sup>1</sup>Indian Constitutional Documents by A. C. Banerjee (A. Mukherjee and Company, Calcutta), page 266, Vol. I, for the Act. See also The British Civil Service by Herman Finer, pages 38-40, and Chap. V, The Growth of the British Civil Service by E. Cohen.

<sup>2</sup>Speeches—Parliamentary and Miscellaneous by the Rt. Hon. Thomas Babington Macaulay (Clarke, Beeton and Co., London, 1853), page 185, Vol. I for the speech of 1833, and pages 267-273, Vol. II for the speech of 1853.

<sup>3</sup>E.g., "The effect of competition is to keep up the standard . . . but the moment you say to the examiner not 'Shall A or B go to India?' but 'Here is A, is he fit to go to India?' the question becomes altogether a different one. The examiner's compassion, his good nature, his unwillingness to blast the prospects of a young man, lead him to strain a point in order to let the candidate in if he possibly can." (Op. cit., p. 272.)

<sup>4</sup>Indian Constitutional Documents by A. C. Banerjee, pages 284-285, Vol. I for the Report of the Committee.

Lord Salisbury lowered the age for competition to 19 in 1879. But the candidates after selection spent three years in the universities taking a degree.

For the close relation between the British universities and the competitive examination for the Indian Civil Service see Stanley Leathes's remarks in pamphlet of Imperial Co-operation League, London—Private Discussion Dinner of 22nd June, 1910.

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<sup>5</sup>See *Indian Constitutional Documents* by A. C. Banerjee, pages 183-185, Vol. I for Munro's Minutes on employment of Indians in higher positions. Also page 218 for Clause 87 of the Charter Act of 1833.

<sup>6</sup>Op. cit., page 165 for objection of Lord Wellesley, and page 107 for Edmund Burke's remarks.

<sup>7</sup>Op. cit., page 218. See also *History of the Congress* by B. P. Sitaramayya, pages 30-31.

<sup>8</sup>*Modern India and the West* edited by L. S. S. O'Malley (Oxford University Press, 1942), page 662.

<sup>9</sup>*A Survey of Indian History* by K. M. Panikkar. First Edition, 1947, page 261.

<sup>10</sup>*The History of the Congress* by B. Pattabhi Sitaramayya, page 8, Vol. I.

<sup>11</sup>See the *Hansard* reports of the Indian Legislative Assembly particularly in 1923-24. Debates on the Lee Commission Reports, etc. Also see *India* by Valentine Chirol, 1926, pages 274-276, particularly his chapter "The Tangle of Western Education" for further details. See also *Report on Administration* by A. D. Gowala (published by the Gokhale Institute of Politics, Poona).

<sup>12</sup>E.g., Munro's Minute referred to in note 5 above.

<sup>13</sup>Summarised from *Public Administration*, Vol. XXXII, pages 30-44, in "Civil Service Reform 1853-55" by Professor Edward Hughes.

<sup>14</sup>*India—Its Administration and Progress* by Sir John Strachey. The P.S.C. Report is quoted therein. Two excerpts are given from these pages :

"Not the least important part of the competitive examination of the young Englishman was passed for him by his forefathers who as we have a right to assume have transmitted to him not only their physical courage but also the powers of independent judgement, the decision of character, the habits of thought and generally those qualities that are necessary for the government of men and which have given us our Empire" (p. 544).

"No assumption of the possession of such qualities can be made in the case of natives whose education and training have been entirely Indian. They may be thoroughly competent for many important offices but we cannot depend on their possessing the habits of thought, the sympathy with English principles of administration, the vigour and energy which are necessary qualifications for employment in a comparatively small service constituting the *corps d'elite* entrusted with the highest functions of government" (p. 94).

See also *Dilemma in India* by Sir Reginald Craddock—chapters on administration—and *The British Impact on India* by Sir Percival Griffiths, page 192.

See a'so L. S. Amery's remarks. (Imperial Co-operation League Private Discussion Dinner. London, 22nd June, 1910. Pamphlet for private circulation only.) E.g., "If you held the examination on a single list I think you would be bound to hold it in India as well and you might then have the whole of your Indian Civil Service flooded by clever young Babus who were able to cram up. That would be a disastrous result to the efficiency of Government in India."

<sup>15</sup>*Indian Constitutional Documents* by A. C. Banerjee, page 179, Vol. II (Presidential address to the Congress 1896 by R. Sayani). See also pages 165, 169 and 174 for a typical Hindu aristocrat's view, see *India of Today* by Meysey Thompson, 1913.

<sup>16</sup>Quoted in *Administrative Problems of British India* by Joseph Chailley. See the last chapter, pages 546-53.

<sup>17</sup>Quoted in *History of Nationalism in the East* by Hans Kohn.

<sup>18</sup>*Rise and Fulfilment of British Rule in India* by Thompson and Garratt (1934), page 496.

<sup>19</sup>*The Indian Civil Service* by L. S. S. O'Malley (1931), pages 213-215.

<sup>20</sup>*A Survey of Indian History* by K. M. Panikkar, page 271.

<sup>21</sup>*Speeches of G. K. Gokhale* (G. A. Natesan and Company). Speech of 17th March, 1911, on Subba Rau's resolution in the Imperial Legislative Council.

<sup>22</sup>For a concise history of communal representation in Madras see Special Annual Number 1953, *Sunday Observer* (Madras). See also M.L.C.P., Vol. II, page 425.

<sup>23</sup>*Modern India and the West* by L. S. S. O'Malley, page 183.

<sup>24</sup>*Report of Revenue Administration* (Madras Government Publication, 1955) and Union Public Service Commission (India), *Annual Reports*.

<sup>25</sup>*Mother India* by Katherine Mayo (Jonathan Cape, London, 1929). See Chapter "Give me office or give me death," pages 165 onwards. For a more factual and less lurid account see *Modern India and the West* by L. S. S. O'Malley, pages 181-183 and 662-664.

## GRADUATES IN THE PUBLIC SERVICES—A COMPARATIVE STUDY OF ATTITUDES

<sup>20</sup>Collected writings of Mahatma Gandhi. To Students. The volumes of *Modern Review* (Calcutta) and *Indian Review* (Madras) from 1930-35, give a summary of the contemporary Press reactions.

See also Sir P. C. Ray's *Memoirs of a Bengali Chemist*.

<sup>21</sup>The number of Indian graduates (non-professional) rose from approximately 10,000 in 1921-22 to 20,000 in 1939 to 25,000 in 1941-42 and to 32,000 in 1946-47. (From the graph on page 742 Report of the University Education Commission (India) (1952), Vol. I.)

The committee on recruitment qualifications placed its report before the Indian Parliament in August, 1957. The majority report recommends insistence on a degree for only the highest grades and attempts to keep graduates out of lower grades by low age limits. The dissenting members feel that even this would not go far in relieving the pressure on Universities.

<sup>22</sup>Report of the Colebrooke Commission, 1832 by Mr. C. H. Cameron. "The peculiar circumstances of Ceylon, both physical and moral, seem to point it out to the British Government as the fittest spot in our Eastern Dominions in which to plant the germ of European civilisation whence we may not unreasonably hope that it will spread over the whole of these vast territories."

<sup>23</sup>Public Administration in Ceylon by Sir Charles Collins (Royal Institute of International Affairs), pages 68-69.

<sup>24</sup>The Ceylon Economist, Vol. I, No. 3 (February, 1951). "The University in the Island's Economy," a lecture delivered to the University Economic Society by Sir Ivor Jennings. Two extracts read "but the only effective method is to relate present demand to present supply" and "our present output of graduates is 300 but it is rising rapidly and will probably reach 450 when it becomes stabilised. By that time, of course, the demand may have increased. It may, however, have fallen. As soon as we have a depression all those who criticise us for producing too few graduates will turn round and rend us for producing too many." (See also *Ceylon Teacher*, Vol. XVIII, No. 96, October, 1954, pages 593-594 and 599-600.)

<sup>25</sup>The general background is taken from *Australia* by Crawford. Chapter VIII; *Story of Australia* by A. G. L. Shaw, Chapter X; *Australia* by W. K. Hancock, Chapter XII. See also *Australian Government and Politics* by J. D. B. Miller, pages 149-151.

<sup>26</sup>Sydney Quarterly, Vol. IV, pages 176-183, June, 1887. "Civil Service Reform in New South Wales," by T. Veale.

<sup>27</sup>See *Public Service Recruitment in Australia* by R. S. Parker, for much of what follows.

<sup>28</sup>*Australia* by W. K. Hancock (1930 Edition), page 142.

<sup>29</sup>The Higher Public Service of the Commonwealth of Australia by Howard A. Scarrow (Roneoed thesis, Australian National University, Canberra), pages 331-334. In course of publication.

<sup>30</sup>Many of the facts about graduate recruitment in the Commonwealth Service are taken from "The Recruitment of University Graduates to the Commonwealth Public Service" by S. Encel, *Public Administration*, Summer, 1954, pages 217-228, and *Public Administration (Australia)*, Vol. XII, pages 222-231.

<sup>31</sup>S. Encel, page 227, and *Public Service Recruitment in Australia* by R. S. Parker (1942), page 271.

<sup>32</sup>See Howard Scarrow's reply in *Public Administration (Australia)*, March and September, 1954; and S. Encel, "A Rejoinder," *op cit.*, June and December, 1954.

<sup>33</sup>Public Service Commissioner (New Zealand), II, Report (1914), page 22. As regards the pre-war period; generally, see *Public Administration Review*, Vol I, pages 257-270 *Education and Training of Personnel in New Zealand* by Leslie Lepson.

<sup>34</sup>The Commission was itself alarmed at excessive devotion to part-time study and the tendency to relax after earning a degree. New Zealand Public Service Commissioner 27th Report (1939), page 10.

<sup>35</sup>New Zealand Public Service Commissioner 26th Report (1938), page 13.

<sup>36</sup>The Reports were roneoed. Report No. 5 of the Public Service Commissioner and No. 6 of Professor Hunter and others are summarised.

<sup>37</sup>Pamphlet *Careers in Administration for University Graduates, New Zealand Public Service*. Issued by the Public Service Commission (New Zealand) about 1952.

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# **The United Nations Advisory Committee on Administrative and Budgetary Questions**

By J. DAVID SINGER

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WRITING two years prior to the San Francisco Conference, C. Wilfred Jenks observed that "effective international institutions, like strong national government, presuppose an adequate foundation of financial strength, the creation of which involves the addition of a new chapter to the law of nations."<sup>1</sup> No two agencies have been more deeply involved in the effort to add that new chapter than the Supervisory Commission of the League of Nations and the Advisory Committee on Administrative and Budgetary Questions of the United Nations. The intent of this article is to examine the development, composition and functions of the latter body—a relatively unknown, but singularly important, agency of the United Nations.

## **CREATION OF THE ADVISORY COMMITTEE**

Recalling the effectiveness of the Supervisory Commission in maintaining the financial integrity of the League, the Australian delegation to the San Francisco Conference had sought provision in the Charter for a similar "qualified advisory agency," but the suggestion was rejected then on the grounds that "the means by which the General Assembly should prepare and approve the budget of the Organisation should be left for the General Assembly to decide when it was in operation."<sup>2</sup> Thus, the question was referred, according to the "Interim Arrangements," to the Preparatory Commission, which, in turn, submitted the problem to its fourteen-member Executive Committee, meeting in London during the weeks immediately following San Francisco.

The document upon which discussion was based was a United Kingdom working paper submitted to the Executive Committee's Financial and Budgetary Committee (Committee 7). In proposing that the Secretary-General's estimates be examined by some small agency prior to submission to the Assembly, this paper pointed out that "a large body like the Assembly, or any budgetary committee of the Assembly, would find it difficult to deal adequately with the budget, unless the issues upon which its attention should be particularly directed had already been analysed and reported upon." It also intended that this agency would "help the Secretariat in presenting proposals."<sup>3</sup> Committee 7 readily accepted this reasoning, and in its Draft Recommendations to the full Executive Committee proposed that the Assembly appoint at its first session an Administrative and Budgetary Supervisory Committee whose responsibilities would include: (a) assisting the Secretary-General in presenting administrative and budgetary proposals to the Assembly, (b) examining the budget and reporting on it to the Assembly, (c) advising the Assembly in administrative and budgetary matters,

(d) examining, for the Assembly, the administrative (as opposed to operational) budgets and the proposed fiscal arrangements of the specialised agencies, and (e) "such other duties as may be assigned to it by the financial and administrative regulations of the Organisation."<sup>4</sup> Before forwarding this proposal to the parent Preparatory Commission, the Executive Committee inserted one important restriction: the prospective agency would assist the Assembly only on matters "other than personnel."<sup>5</sup>

Several delegations to the Preparatory Commission were disturbed by what appeared to be a lack of clarity concerning the Supervisory Committee's rôle. The United States delegation, upon which the Bureau of the Budget was well represented, therefore offered an amendment intended to clarify the relationship among the new agency, the Secretary-General, and the Assembly. It proposed that the title be changed to "Advisory Committee," and that its function be limited to *assisting the Assembly* in its review of Secretariat activities, rather than *supervising* such activities. On the other hand, however, this amendment called for adding the rôle of "considering and reporting on staff regulations to be established by the General Assembly."<sup>6</sup>

During subsequent deliberations, the Preparatory Commission agreed that the Advisory Committee (the change of title had been readily accepted) should not interfere with the Secretary-General's authority in personnel questions; rather, it would "deal with personnel matters only in their budgetary aspects." In brief then, instead of a body to "help the Secretariat," the Committee's primary function would be to advise the Assembly. The Preparatory Commission's Report to the Assembly recommended the following functions: (a) to examine and report on the Secretary-General's budget estimates, (b) to advise the Assembly on any administrative or budgetary matter referred to it, (c) to examine, for the Assembly, the administrative budgets of the specialised agencies as well as proposals for financial arrangements between the agencies and the Organisation, and (d) to consider and report to the Assembly on the auditor's reports concerning the accounts of both the U.N. and the agencies.<sup>7</sup>

In January, 1946, at the first session of the Assembly, the Fifth (Administrative and Budgetary) Committee considered the recommendations of the Preparatory Commission, as well as two proposals emanating from the delegation of France. The first of the French motions, which would have enlarged the authority of the Advisory Committee to permit it to advise the Secretary-General and the Assembly on the "application" of the Staff Regulations, was rejected on the grounds that it might make the Secretary-General "subservient to the Advisory Committee." The second, which called for the Advisory Committee itself to conduct the audit, was likewise defeated, since it had already been decided that independent external auditors were to be appointed.<sup>8</sup> Early in the second part of this first session, the initial appointments to the Advisory Committee were made, though not without considerable discussion concerning the nature of its membership.

#### COMPOSITION OF THE ADVISORY COMMITTEE

Not only the rôle and function of the Committee, but its composition, and the nature of its membership, had received considerable attention during

#### U.N. ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

the Executive Committee and Preparatory Commission stages. The above-mentioned United Kingdom paper had suggested that the Committee be a "small expert body," made up of members selected on an individual basis from among persons with "wide experience in the field of public affairs," serving for relatively long terms. The Financial and Budgetary Committee of the Executive Committee refined these proposals to include: (a) membership of seven, serving three-year terms, (b) two members to be "financial experts," who would never retire simultaneously, (c) no two members would be nationals of the same state, and (d) members would be "independent" experts. While there was some disagreement as to the size of the committee and term of office, and it required a final compromise in the Assembly's Fifth Committee to settle upon a membership of nine, with staggered three-year terms, it was the status of the members and the mode of their selection which posed the most difficult problem.

In the Executive Committee, it soon became apparent that "independent" was open to a variety of interpretations. The Soviet delegate argued that members be selected "on the basis of their representativeness of Member States, with due account taken of their experience in the field of public affairs." Immediate opposition to this subordination of competence to representativeness appeared, and in a compromise move the U.S. delegate offered the phrasing "due regard for geographical distribution." Despite a Soviet allegation that the question was being postponed, rather than resolved, the Executive Committee approved a recommendation calling for "broad geographical representation, personal qualifications, and experience."<sup>9</sup>

Nothing occurred during either the Preparatory Commission meetings or the first part of the first session of the Assembly to upset the Executive Committee's decision, but at the second part of the First Assembly the Soviet prediction was borne out, and the issue of competence versus representativeness was again debated. Faced with the Secretary-General's request for prompt establishment of the Advisory Committee, the Chairman of the Fifth Committee suggested that he and the other officers of the Committee submit "a list of countries which might be represented on the Advisory Committee." The British delegate opposed this suggestion, noting that although selected on a "broad geographical basis," members must also be chosen "according to competence." The Brazilian spokesman argued that in as much as it was to be a technical committee, "individual capacity should be the primary consideration." The Rapporteur then agreed that "the vote should be taken on a list of names, not countries," but he pointed out the difficulties involved in choosing nine persons from 51 nations. He explained that the officers of the Fifth Committee were proposing two stages: one, to satisfy the geographical distribution requirement; and another, to select a satisfactory list of nine from among the nations first agreed upon.<sup>10</sup> It was finally agreed that each delegation might suggest several candidates, whether or not nationals or members of the nominating delegation. Following several withdrawals and substitutions, the election of the first members of the Advisory Committee took place.

Elected for three-year terms were: Donald Stone, of the U.S. Bureau of the Budget; Sir William Matthews, a senior British Civil Servant; and

Olyntho Machado, an officer in the Bank of Brazil. For two-year terms, the Fifth Committee elected Thanassis Aghnides, who had served in the Disarmament Section of the League and later represented Greece at several political conferences; C. L. Hsia, a former Chinese legislator and professor of international law; and Valentin Kobushko, of the Soviet Ministry of Foreign Trade. The remaining three, assigned one-year terms, were André Ganem, a former newspaperman, professor, League employee, and member of the French delegation at San Francisco; S. K. Kirpalani, of the Indian Trade Commission; and Gustavo Martinez-Cabanas, of the Mexican Treasury.<sup>11</sup>

This group of men served during that most critical and formative period in the life and growth of the Advisory Committee: the second part of the First Assembly, which adjourned in December, 1946. While the Committee was seized, immediately following its election, with a number of crucial problems, and it had actually begun to fulfil some of its tasks, certain pertinent questions still remained unanswered.

#### DEVELOPMENT OF THE ADVISORY COMMITTEE

Any illusion that the relationships between the Advisory Committee and the Secretariat, the Assembly, and the Member States had been permanently and clearly defined was quickly dispelled. Before the Second Assembly was a few days old, it became clear that this was not so; today, ten years later, certain aspects of these interrelationships are still not clear.

#### *Competence of the Advisory Committee*

Difficulty developed quite early in that session when Thanassis Aghnides, who had been elected Chairman of the Committee (he has held the post ever since), wrote to the Assembly's Committee on Procedure and Organisation regarding a study in changes of the rules of procedure. "My Committee," he stated, "believes that in view of the existence of other Advisory Committees, its short title is liable to give rise to confusion; and that the title does not adequately reflect its functions, some of those duties which have been placed upon it by the General Assembly being executive rather than advisory." He called for a change in name to "Standing Committee on Administration and Finance," and proposed that his committee be granted authority to "bring to the attention of the General Assembly, any administrative or financial matter which it deems necessary." In addition, he suggested that "experience in the fields of administration and finance" be added to the requirements for membership. The Committee on Procedures refused to act on what seemed to be a bid for increased power, and referred the suggestions to the Fifth Committee for study. The problem was deferred until the following year, but not until there had been some discussion of broadening the Advisory Committee's rôle and giving it the power to "revise a part of the budget."<sup>12</sup> While no affirmative action was ever taken on this particular request, the question of expanding the competence of the Committee arose on several other occasions.

During the Fifth Committee debate in 1948 over the Secretary-General's supplementary estimates for the Mediator's Mission to Palestine, Aghnides

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was challenged on the right of his Committee to question the administrative costs involved. He readily admitted that it was "difficult to decide, under the terms of reference of the Advisory Committee, what matters came within the purview of that body, and more particularly, up to what point it could give its views on administrative questions. In the latter case," he went on, "the Advisory Committee would be encroaching upon the authority of the Secretary-General, and would prevent him from assuming the responsibilities which devolved upon him in accordance with the express provisions of the Charter." But, Aghnides concluded, "the Advisory Committee could nevertheless intervene in exceptional circumstances, and if the report of the Fifth Committee asked it to *co-operate more closely* with the Secretary-General, it would certainly comply with that request."<sup>14</sup> A significant observation was added by Carl Hambro, of Norway, formerly Chairman of the League's Supervisory Commission, an agency whose powers were considerably more extensive than those of its successor. In pointing out that "the U.N. had no real system for financial and budgetary control," he suggested that "the duties of the Advisory Committee should be defined and extended."<sup>15</sup>

In 1952, Hambro again suggested a review of the Committee's terms of reference. In noting the differences between the Secretary-General's estimates and the Advisory Committee's recommendations, he commended a recently published study of the League which

"emphasised in particular that no disagreement could exist between the Secretary-General and the Supervisory Commission when the budgetary estimates were submitted to the League of Nations, because these estimates had been settled in the most thorough consultation between the Secretary-General and the Commission. . . .

One of the best ways to facilitate the Fifth Committee's work would be for the Secretary-General and the Advisory Committee to agree beforehand on the amount of the budgetary estimates."<sup>15</sup>

Aghnides pointed out that such proposals had been made before, and that the Advisory Committee would probably have no objections, but he suggested that adoption of this procedure would require "a radical change in the Advisory Committee's terms of reference, since its present functions were purely administrative and advisory." It would be up to the Fifth Committee "to determine whether the necessary power should be delegated to the Advisory Committee, and whether the Secretary-General's powers relating to administration and the budget should be changed." The Assistant Secretary-General for Administration and Finance, Byron Price, noted that this proposal would make the Advisory Committee's terms of reference similar to those of the old Supervisory Commission, and expressed his concern by indicating the Secretariat's unwillingness to accept any such change without a thorough study of all aspects of the question.<sup>16</sup>

During the next few days of debate, this question persisted. Demanding that the Advisory Committee and the Secretariat "work in closer association and present a common front to the Fifth Committee," the Swedish delegate moved that the estimates then under discussion (Department of Public Information) be referred back to the Advisory Committee with a request

that "efforts be made, in consultation with the Secretary-General, and in the light of these discussions, to reach a solution agreeable to both." Opposition was strong and immediate. The Netherlands delegate claimed that adoption of the motion would be "equivalent to asking the Advisory Committee and the Secretary-General to engage in haggling." The Belgian representative thought that it would hamper the Advisory Committee's work and set a dangerous precedent, and the Colombian delegate remarked that the Advisory Committee had not been set up as a "negotiating committee." Hambro urged, however, in support of the motion, that it would be ill-advised to deny the two parties an "opportunity to co-operate," and the Fifth Committee did, on this rare occasion, vote to return an Advisory Committee recommendation to that body for compromise with the Secretariat.<sup>17</sup>

#### *Role of the Committee Chairman*

Closely concerned with the competence and function of the Committee is the rôle of its Chairman, which on several occasions has been called into question. The key problem has been the right of the Chairman to address the Fifth Committee of the Assembly, to which, unlike most of his colleagues of the Advisory Committee, he has never been a delegate. During a debate on Trusteeship Council estimates, the Fifth Committee's Chairman called upon Aghnides to comment on the type of minutes he felt the Council ought to maintain. The question prompted an immediate objection from Olyntho Machado, the very active Brazilian delegate, who was "opposed to the Chairman of the Advisory Committee expressing a personal opinion," particularly when the question was "more of a political than a budgetary nature." Citing the Papanek case as a precedent,<sup>18</sup> he demanded that before Aghnides be allowed to voice a *personal*, as opposed to an *official* Advisory Committee view, a vote be taken on the question of permitting such a statement. Several delegates took quick exception, supporting the British view that "if that theory were adopted, Aghnides would be able to speak only on questions which had already been examined by the Advisory Committee." While the matter was temporarily dropped, and no "gag rule" applied, it arose again a few days later, when Machado expressed his alarm over what he considered a dangerous precedent. It would permit chairmen of the subsidiary bodies "in an essentially personal capacity, [to] express new views, develop new arrangements, and make actual proposals for consideration and debate." The Chairman of the Fifth Committee promptly thwarted Machado by resort to a procedural ruling. He recalled that at the first meeting of the Fifth Committee that year, he had ruled that the Advisory Committee Chairman might speak on "any subject on the Fifth Committee's agenda." Since this ruling had not been challenged, "the matter could be considered as definitely settled."<sup>19</sup> This firm attitude had the desired effect, and since that time the Advisory Committee Chairman has been free to exercise wide latitude in his interventions in the Fifth Committee debates.

#### *Independence versus Representativeness*

Despite frequent attempts to either resolve (or ignore) it, the problem of

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the nature of Advisory Committee membership continues to vex the United Nations. As a result of the Communist coup in Czechoslovakia in 1948, the Fifth Committee was given an excellent opportunity to strike a sharp blow for "independence" as opposed to "representativeness." When Vladimir Houdek arrived to replace the Benes-appointed Jan Papanek in the Czech delegation, he argued that the latter was no longer qualified to serve on the Advisory Committee. In Fifth Committee debate, Houdek stated that Papanek

"no longer enjoyed the confidence of the Czechoslovak Government, and consequently no longer possessed the essential qualification for satisfying the condition of equitable geographical distribution. . . . The Czechoslovak Government delegation categorically refuses to admit that a person could act as an expert for the United Nations regardless of his relations with the State he was supposed to represent. . . . The United Nations is not a community of private persons, but an international organisation of sovereign Member States."

Houdek's comments were answered by Jean Rey, of Belgium, who inquired whether Papanek was

"a member of the Advisory Committee . . . as a Government representative or as an individual serving in the capacity of an expert? Rule 145 of the rules of procedure showed that members were to be selected on the basis of broad geographical representation and personal qualifications and experience, that is, in a personal capacity and not as representing any Government. . . .

It was to be doubted whether any person could be deprived of the quality of 'geographical representativeness' even if he were deprived of his nationality."

Following a procedural vote which permitted him to address the Fifth Committee, Papanek assailed the concept of representativeness:

"Members of the Committee in question were selected individually as experts, not as representatives of governments. . . . They were elected because of their competence and ability, and because they had a thorough knowledge of their countries and geographical regions. Once they had been elected, they could only be removed on grounds of incompetence or neglect of duty. . . . Members . . . were representative of the General Assembly as a whole, and not of individual Member States."

Following Papanek's statement, Brazil's Machado, also a member of the Advisory Committee at the time, summarised his view of a realistic procedure:

"In principle, Governments had no influence on the selection of those experts. In practice, however, such an influence was unavoidable and probably necessary. . . . It was perfectly natural that, before and during the selection of candidates, the points of view and possible objections of Governments . . . should be taken into account. Once the election had taken place, however, and once the experts had gained the confidence of the Assembly, they should be permitted to act as representatives of the Assembly, without fear of pressure on the part of Governments."

This dispute continued through several additional meetings, with a further

explanation of the meaning of "geographical distribution" by a Legal Officer of the Secretariat: it was, he suggested, a principle *equal with*, but not *superior to*, that of personal qualifications and experience. Houdek's motion was ultimately defeated in Committee, but when the report came to the floor of the plenary Assembly, the Polish delegate again questioned Papanek's right to sit on the Advisory Committee. This motion, too, was lost and Papanek served out the balance of his term, which expired in 1950.<sup>20</sup>

A final effort to salvage the "independence" doctrine was made in 1950, when the Soviet member of the Advisory Committee announced his intention of retiring. Without the knowledge or approval of either the Soviet or Czechoslovakian delegations, the Chilean representative nominated Papanek to fill the vacancy. The same arguments were reiterated on both sides, but too few of the delegations felt strongly enough to press the issue. Thus, another Russian, approved by his government, replaced Kabushko, and the supremacy of "representativeness" was firmly established.<sup>21</sup>

#### *The Two-Hat Problem*

One final problem concerning the precise status of Advisory Committee members arose during the Seventh Assembly, in 1952, when the Secretary-General submitted a memorandum to the Fifth Committee in which he raised a closely related question. In noting that several of the Advisory Committee members also served as national representatives on the Fifth Committee, Trygve Lie urged that "membership in the Advisory Committee should disqualify a person from service as a member or alternate in the Fifth Committee." He saw real danger in a situation where Advisory Committee members "also represent their Governments, as representatives or as advisers, in the Fifth Committee . . . where they act as advocates for the Advisory Committee, or may argue or vote against its recommendations." He added that it was quite unlikely that those who drafted the rules of procedure had intended that "individuals appointed . . . in their personal capacity as experts, should at the same time act as representatives of Governments."<sup>22</sup>

The suggestion met with strong opposition, and while it was agreed to constitute a Committee on Special Administrative Questions, there was little enthusiasm for following up the matter. Thus, when Dag Hammarskjöld replaced Lie in 1953, the Fifth Committee readily agreed with his proposal to drop the matter. During debate on the issue, the "two-hat" theory was neatly expounded by the Chinese delegate, C. L. Hsia. In arguing that the two functions were not necessarily incompatible, he noted that a member in the Fifth Committee "could easily disown, as the representative of his Government, a decision which he had personally supported as a member of the Advisory Committee. "The confusion," he added, was "apparent, rather than real."

The most illuminating part of his statement, however, was a frank description, which seems to be the only public record, of the actual procedure by which the complexion of the Advisory Committee is determined. He stated that it "was customary to appoint as members representatives of the five countries which made the biggest contributions to the U.N. budget,

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and two representatives of the Latin American countries. The remaining 35 Member States had only two seats. . . ." He also added ruefully that while the Preparatory Commission " seemed to have attached importance to the fact that . . . members should be financial experts, that provision was virtually disregarded."<sup>23</sup>

### THE ADVISORY COMMITTEE AND THE BUDGET

Following this sketch of the development of the Advisory Committee in terms of its general rôle as well as the nature of its membership, it might be appropriate to deal in some detail with the primary function of that body, its participation in the budget process.

In the United Kingdom and in most Western States the Executive employs the budget as a means of proposing an overall governmental programme for the forthcoming year; while a part of the budget does reflect decisions of the legislature, binding upon him for the impending fiscal year, a considerable balance represents his own policy proposals. In the United Nations, however, talk of an "executive budget" would be quite misleading. The Secretary-General's budget represents little more than his estimate of administrative overhead costs, plus a financial reflection of policy decisions reached in the main organs of the Organisation during the prior year. His budget, then, is not the presentation of *his* programme, but the result of action taken by the Member States in the Economic and Social Council, the Security Council, the Trusteeship Council, and the General Assembly. Secondly, the estimates do not go directly to the legislative organ, or one of its committees on appropriations, but must first undergo the scrutiny of an intermediate body, the Advisory Committee on Administrative and Budgetary Questions.

While the Advisory Committee has already exercised some influence over the estimates, through informal conversations and Secretariat recollection of earlier situations,<sup>24</sup> it does not formally enter the budget process until about three months prior to the convening of the General Assembly. At this time, generally early June, the Secretary-General's estimates, in the form of a detailed line-item presentation (plus several supplemental annexes, some of which approximate a "performance" budget),<sup>25</sup> are sent to the Secretary of the Advisory Committee. This officer and his staff then proceed to examine the document and its supporting materials, comparing the figures with those of previous years, as well as with the various resolutions out of which the costs have arisen. After he has had a few days in which to draft a rough report in the form of basic questions which the documents raise, the Secretary notifies the Chairman of the Advisory Committee, and the first of a series of closed, executive sessions is scheduled.

While the records of the Advisory Committee are confidential and thus unavailable to those attempting to analyse the decision-making process, one can satisfactorily make certain deductions concerning this phase of budget-making.<sup>26</sup> The first two or three meetings, it would seem, are taken up with a fairly broad discussion of the overall estimates, the general financial picture of the Organisation, and statements of broad fiscal policy. Some indication of the point of departure might be found in this comment from

the report on the 1948 estimates: "In any organisation, it is salutary to have a budget which has elements of stringency. The quality of an organisation will improve if its officials are under pressure to use resources wisely."<sup>27</sup> Armed with this guiding principle, the nine members then examine the estimates Part by Part, Section by Section, and Chapter by Chapter. Although an effort is made to move down through the budget in an orderly manner, the difficulties of scheduling Secretariat personnel to testify often compel some skipping about. On the basis of anticipated progress through the estimates, the Committee's Secretary arranges with the various departmental Under-Secretaries and their executive officers to appear before the Committee to explain those Sections relevant to the activities of their particular departments. By far the largest portion of the budget is Part III, Headquarters (\$28,462,800 out of a total of \$48,250,700 gross is requested for 1957) and this Part is conveniently broken down into Sections, generally covering the work of only a single Department or Office. In addition to the competent Under-Secretary and executive officer, almost all the hearings are attended by the Controller so that the Committee may get not only the departmental view, but the position of the key fiscal officer responsible for co-ordinating all Secretariat financial activities.<sup>28</sup> After taking testimony on one or more Sections, the Committee once again goes into executive session, re-examines the particular estimate, and decides whether to sustain the figure proposed by the Secretary-General or to reduce it. Not once since the inception of the Organisation, has the Advisory Committee recommended that a Secretariat estimate be increased, although on several occasions it might have appeared so, as a result of suggesting the transfer of funds from one section to another. As a matter of fact, the Committee's report to the Assembly contains only three columns: "Secretary-General's Estimate," "Advisory Committee's Recommendations," and "Decrease." While it might be argued that to call for an increase would imply that the Secretary-General (or his Budget Staff) was incapable of accurately calculating the costs of a given activity, there would appear to be equally strong reasons for recommending an occasional increase. It is common knowledge at the U.N. that on several occasions an Under-Secretary has vainly protested to the Secretary-General over a final figure approved by the Budget staff. Occasionally the Committee might get a more accurate picture from operating, as opposed to policy-making, personnel.

Regarding the type of economies for which the Advisory Committee searches, one may again draw some tentative conclusions from the annual report on the budget. Its attention appears to be directed mainly toward economy through increased administrative efficiency within the Secretariat. As early as November, 1946, when the first two budgets were receiving simultaneous consideration, the Committee claimed to have found "evidence of a tendency to over-organise. . . . Duplication of functions was further evidenced . . . [and] there was a tendency among departments to take insufficient advantage of the flexibility of staff." A decade later, the Committee again indicated a strong concern over this phase, pointing out that it "naturally has an equal interest both in the work and the organisation of the Secretariat." And while criticising, for example, the Military Staff

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Committee for its insistence upon maintaining a language and conference staff separate from that of the Department of Conference Services, it was "glad to note that . . . there is a progressively more flexible use of staff, and that, in general, the work of the Secretariat shows a further improvement."<sup>29</sup> In addition to a constant emphasis on maximum utilisation of personnel, in terms of organisation, the Committee has frequently directed its fire at documentation and publishing costs. It might be said that its criticisms of the first printing budgets were partly responsible for the Secretary-General's decision to appoint, in 1947, a Publications Board, whose responsibility it would be to examine, and recommend upon, the printing estimates of all Departments prior to submission of their total estimates to the Budget Section.<sup>30</sup> In addition, the Committee takes note of hospitality, travel, equipment, and maintenance expenditures while simultaneously keeping a close check on those few U.N. activities of a revenue-producing nature: Gift Shop, Postal Administration, Visitors' Service, publication sales, and catering and cafeteria services.

Despite its sharp and frequent criticism of budget requests, the Advisory Committee is not unaware of the limitations upon the Secretary-General's ability to reduce expenditures. In its report for 1954 it observed that "any major reduction in expenses can be achieved only in conjunction with a review of future work programmes. . . . This, however, has not been possible, for reasons beyond the control of the Secretary-General." This appraisal was further supported when a U.S. Senate Committee, in studying the problem of U.N. expenditures, concluded that "all that the Secretary-General can actually do in his budget document is interpret . . . programmes and projects in terms of the cost of meetings, personnel, common services, etc., and present a summary of over-all programmes for the year."<sup>31</sup>

The Chairman of the Advisory Committee aptly summarised this three-way interrelationship when he suggested that "the job of the Advisory Committee was . . . to endeavour to fix the minimum figure for the expenditure which would enable the Secretary-General to carry out the work assigned him by the General Assembly." From the point of view of the Secretary-General, this process takes on the aspects of a perennial struggle, although this is not always immediately apparent. After Trygve Lie had fought bitterly with the Committee for several years, his successor came before the Fifth Committee and commended Aghnides and the Advisory Committee by noting that its "deliberations are thorough, its enquiries searching, and its conclusions objectively presented."<sup>32</sup> This was Mr. Hammarskjöld's first year in office, and since then, his reactions seem to have followed the pattern of Mr. Lie.<sup>32</sup>

Between conclusion of formal budget hearings and the Committee's presentation of its recommendations to the Assembly, one final stage remains. Aware of the dangers inherent in too frequent and extensive conflicts with the Secretary-General in the Fifth Committee, the Advisory Committee makes a final effort to minimise these. Without entering into protracted negotiations, it seeks certain compromises with the Secretary-General on items concerning which there is no marked difference in figures, and sounds out the Controller to ascertain which sums the Secretary-General will accept

and which he will contest in the Assembly's Fifth (Administrative and Budgetary) Committee. An indication of the extent and manner of these consultations is suggested in the budgetary debates which follow the convening of the Assembly. In 1947, Carl Hambro, the Norwegian delegate, "expressed the hope that in the future the Secretariat would make every effort to accept recommendations made by the Advisory Committee." The next year, Aghnides observed, "It had happened, in some cases, that the Secretary-General had modified his figures; in others, the Advisory Committee had made various modifications." And in the 1950 debates, he added that it was "essential to reduce to a minimum the number of contentious matters." Not all delegations, it should be noted, approved of this attempt to simplify their task; the Ukrainian representative "gathered the impression that the Advisory Committee wished to continue on good terms with the Secretariat, and was supporting most of the Secretary-General's proposals."<sup>33</sup>

In addition to efforts at compromise between the Committee and the Secretary-General, it is also apparent that compromise plays something of a rôle within the Committee as well. When the Soviet delegate in the Fifth Committee claimed that "the Advisory Committee had not considered the matter thoroughly" and that "the opinion of the U.S.S.R. representative had not even been asked," Aghnides retorted sharply: "A more justified accusation . . . would be that of allowing discussion to be too long, and attaching too much importance to achieving unanimity, in an attempt to give all its members—including the U.S.S.R. representative—the opportunity to state their case."<sup>34</sup> While there is no conclusive evidence, it would seem legitimate to assume that these discussions are marked by the same division of opinion that appears in the Fifth Committee itself; i.e., Arab-Asian and Latin-American support for public information and technical assistance activities, and western power emphasis on security functions.

Once the Committee has taken all the evidence it requires, has made last-minute efforts to iron out small differences with the Secretariat, and has arrived at the final figures it will recommend, the Secretary and his assistant compile the recommendations into a draft formal report. In this two-part document (Appraisal of Estimates, and Detailed Recommendations) one finds a running commentary on almost all aspects of the financial and administrative activities of the Organisation: comments upon organisational arrangements, criticisms of certain expenditures, defence of others, and explanations of "Decreases." Once completed, the report is dispatched, along with the Secretary-General's estimates, to all Members at least five weeks prior to the opening of the Assembly.

This does not, however, complete the Committee's budgetary activities for the year. When the Members meet several weeks later in the Fifth Committee, Aghnides will frequently be called upon to defend the recommendations which the Advisory Committee has made. On the one hand, he will have to take a firm stand during "log-rolling" sessions when many of the delegates attempt to restore reductions in certain prized activities, and on the other he will have to fight against further cuts in those activities which may get less than universal support. Sitting with him, too, will be most of his colleagues of the Advisory Committee, but this time they will

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be serving as national representatives rather than “independent financial experts.” Finally, it should be noted that all during the Assembly sessions the Advisory Committee is responsible for the examination of any substantive resolution regarding its financial implications. No committee may recommend a resolution involving expenditures to the Assembly, nor may the Assembly vote such a resolution, unless it is accompanied by an estimate of these expenditures.<sup>35</sup> Such estimates are prepared by the Secretariat and reviewed by the Advisory Committee.

### SUMMARY

It will be recalled that the Preparatory Commission recommended creation of this “small, expert body” to “assist the Assembly in its supervision of expenditure and to help the Secretary-General in presenting . . . proposals to the General Assembly.” Inasmuch as the Advisory Committee actually defines the areas of administrative and budgetary contention, it becomes the key agency, not only in the budget process, but in all discussions of an administrative nature. The question thus arises as to whether it is equipped, in terms of personnel and frame of reference, to fulfil this task, and, if so, whether it has done its job well.

A careful examination of the *curricula vitae* of those who have thus far served on the Committee would tend to suggest that it has not been getting the calibre of personnel hoped for. With few exceptions, the standards set forth in 1946 have barely been approached; few “financial experts” with “wide experience in the field of public affairs” have been nominated or elected. Because even the most politically advanced Members have difficulty in obtaining fully qualified budgetary officers for their own civil services, and because, too, many Members do not attach sufficient importance to the growth of the United Nations, they have failed to make the best people available to the Committee; it might be added that the same debility would appear to hamper the Fifth Committee also, where frugality seems to be the dominant theme of many national treasury officials serving thereon. Even Aghnides, who has been re-elected to membership and to the Chairmanship every year, had little experience or training in budgetary and fiscal affairs, although he did have many years of service with the League in a variety of capacities.

The type of personnel, however, is far from the most glaring weakness in the Committee’s work. The key element, in the view of this writer, concerns the matter of “independence.” While no direct proof can be adduced, there is evidence of a tendency on the part of the Members (perhaps with the exception of the Chairman, who is not officially attached to the Greek Government) to conceive of themselves as defenders of either a *national* or a *regional* interest, rather than the *international*, or Organisational interest. The points made by the Advisory Committee members when serving in the Fifth Committee, the types of budgetary reductions that are made, the unwillingness of the Committee to protect the Secretary-General from patronage pressures, the failure to take any initiative in proposing expansion of any of the Organisation’s activities; all these strongly suggest that the Committee has evolved into little more than a Fifth Committee in microcosm.

It might also be relevant to recall the approach employed by the Committee in examining the estimates ; failure ever to recommend an increase in a budget section cannot be attributed solely to the fact that the Committee suspects the Secretariat of "over-budgeting." One might readily surmise that the Committee not only believes firmly in that "element of stringency," but that it is unwilling to take a really close look at administrative procedures at the working level. All students of budgeting are alive to the dangers of a central budget office whittling departmental requests down to so low a level that essential tasks cannot be fulfilled successfully ; this dangerous paring down may also be the work of a departmental executive officer, the intimacy of whose knowledge of operating problems is equally open to question. Not only is it doubtful whether the Advisory Committee sees the *original* departmental, bureau or office requests, but it is likely that its members rarely call upon spokesmen who might be able to enlighten them concerning activities at the working level. Perhaps a greater interest in, and awareness of, detailed operational problems might permit the Committee to make a more realistic appraisal of the estimates and the basic fiscal and administrative needs of the Secretariat.

In defence of the Committee, however, one might note that it is caught between Assembly and Council (Security, Trusteeship, Economic and Social) programme decisions on the one hand, and the pressing demand for economy made by the very same national delegations in the Fifth Committee. While cognisant of the fact that the Secretariat has no choice *but* to "translate new projects into demands for additional personnel," etc.,<sup>36</sup> the Advisory Committee must faithfully fulfil what the Members consider to be its basic task : that of setting the lowest figure within which authorised projects can be carried out. Undoubtedly, the Committee is thoroughly convinced of the value of the "elements of stringency" approach, at least as regards a tranquil relationship with the Fifth Committee.

In conclusion, therefore, one has little choice other than to transfer criticisms of the Advisory Committee to the national delegations themselves. It is they who, in the Councils and main committees of the Assembly, demand a host of services and concessions ; it is they who, in the Fifth Committee, set the terms of reference of the Advisory Committee, select its members, oversee its activities, and when money is on the agenda, tend to wield the "Geddes Axe" with even more dexterity than their predecessors in the League. Can Jenks's "new chapter in the law of nations" conceivably be written in this atmosphere of rigid frugality ? Jenks himself warns against the dangers of over-economy in international organisation : "Such institutions have been too often regarded as luxuries . . . rather than as basic needs of modern civilisation."<sup>37</sup> Unless there is a radical reversal in the fiscal policy of the Members, that new chapter may never be written. Many of the "sovereign and equal" Members still appear to view the United Nations, in both political and budgetary terms, as a luxury rather than a basic necessity.

<sup>36</sup> "Some Legal Aspects of the Financing of International Institutions," *Transactions of the Grotius Society*, Vol. 28, 1943, page 132.

<sup>37</sup> *U.N. Conference on International Organisations*, Vol. VIII, page 354.

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<sup>9</sup>PC/EX/FI/3, 28th September, 1945. Italics mine. It had already been agreed that all Members would be represented on all main committees of the Assembly.

<sup>10</sup>PC/EX/FI/14/Rev. 1, 12th October, 1945. The name had already been changed three times, and further alterations were still to be made.

<sup>11</sup>PC/EX/113/Rev. 1, Executive Committee, *Report . . .*, page 98.

<sup>12</sup>PC/AB/20, 5th December, 1945, pages 1-2.

<sup>13</sup>PC/20, Preparatory Commission, *Report . . .*, page 107.

<sup>14</sup>GA I (1), 1946, OR 5 (General Assembly, First Session, First Part, 1946, *Official Records of the Fifth Committee*), pages 24-25.

<sup>15</sup>PC/EX/113/Rev. 1, Executive Committee, *Report . . .*, pages 21-23. For discussions, see PC/EX/FI/10 through 14/Rev. 1, and PC/EX/118.

<sup>16</sup>GA I (2), 1946, OR 5, pages 73-79. These were his words in the final *Official Records*, but in the original version of the summary record, Aghnides, the Rapporteur, was quoted as follows: "He suggested that the election should be made in two stages: first, a list of countries might be decided upon, and then, *after consultation with the respective governments*, the members of the Advisory Committee might be chosen for their personal ability." See A/C. 5/53, 6th November, 1946, *Summary Record*, page 13. Italics mine.

<sup>17</sup>GA I (2), 1946, *Resolutions*, page 134. It would be difficult to claim expertise in administrative and budgetary matters for any of the original membership, and in fact the two "financial experts" were not designated either then or subsequently.

<sup>18</sup>GA II, OR 5, 1947, pages 357-358.

<sup>19</sup>GA III (1), 1948, OR 5, page 657. Italics mine.

<sup>20</sup>GA III (1), 1948, OR 5, page 660. Italics mine.

<sup>21</sup>GA VII, 1952, OR 5, page 37. The reference is to Francis P. Walters, *A History of the League of Nations*, Oxford University Press (London), 1952.

<sup>22</sup>GA VII, 1952, OR 5, page 38.

<sup>23</sup>GA VII, 1952, OR 5, pages 51-56.

<sup>24</sup>The Papanek case is dealt with more fully at page 399.

<sup>25</sup>GA III (1), 1948, OR 5, pages 450-468.

<sup>26</sup>GA III (1), 1948, OR 5, pages 167-214; GA III (1), 1948, OR *Plenary*, page 367. Italics mine.

<sup>27</sup>GA V, 1950, OR 5, pages 249-252.

<sup>28</sup>GA VII, 1952, OR *Plenary*, Annex, Vol. II, agenda item 69, page 4; GA VII, 1952, OR 5, page 198. At that time, seven of the nine were serving in this dual capacity.

<sup>29</sup>A/AC. 68/SR 1, 20th May, 1953, Committee on Special Administrative Questions, *Summary Report*, pages 5-6.

<sup>30</sup>Actually, the financial rules permit the Controller to consult with the Committee (or its staff) during preparation, regarding "format, content, or other matters concerning the estimates." *Administrative Manual*, Vol. 3, page 69.

<sup>31</sup>At this writing, the Advisory Committee has approved the Secretary-General's request for some marked changes in budget format, designed primarily to increase flexibility in its administration. See Docs. A/C. 5/639, A/C. 5/662 and A/3372. The present writer hopes soon to have available an analysis of the format problems.

<sup>32</sup>The best sources of data are the Committee's annual reports to the Assembly; one is devoted almost exclusively to the budget. See, for any year, GA, OR, *Supplement No. 7*.

<sup>33</sup>GA II, 1947, OR *Supp. 7*, page 2.

<sup>34</sup>There has been some criticism of the tendency to call in only the top-ranking departmental people, on the grounds that they are frequently not nearly so familiar with operational and administrative problems as are those subordinates connected with specific phases of departmental activity.

<sup>35</sup>GA I (2), 1946, OR *Supp. 4*, pages 12-17; GA XI, 1956, OR *Supp. 7*, pages 6, 18.

<sup>36</sup>Composed of representatives of Public Information, Conference Services, the Controller, and the Office of the Executive Assistant, the Board may propose cuts in any costs involving outside printing. An excellent study of the Board will be found in Herbert Kaufman, "The U.N. Publications Board," No. 11 in *Inter-University Case Programme*, N.Y., Polygraphic Company, 1952.

<sup>37</sup>GA VIII, 1953, OR *Supp. 7*, page 2; U.S. Senate, Committee on Expenditures

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in Executive Depts., *U.S. Relations with International Organisations*, Fifth Report, 1951, page 14.

<sup>32</sup>GA III, 1948, *OR* 5, page 220; A/C. 5/544, 30th September, 1953, page 4. For an indication of later differences between Hammarskjöld and the Committee, see GA IX, 1954, *OR* 5, pages 164, 175-6, 241-2, 257, 307; also GA XI, 1957, A/C. 5/SR. 589.

<sup>33</sup>GA II, 1947, *OR* 5, page 301; GA III, 1948, *OR* 5, page 220; GA V, 1950, *OR* 5, page 10; GA IV, *OR* 5, page 39.

<sup>34</sup>GA IV, 1949, *OR* 5, page 209.

<sup>35</sup>Rule 154, *Rules of Procedure of the General Assembly*, A/520/Rev. 4, page 27.

<sup>36</sup>This was one of the first criticisms levelled by the Committee. GA II, 1947, *OR Supp.* 7, page 2.

<sup>37</sup>*Op. cit.*, page 92.

## Armed Forces and the State

By PROFESSOR W. H. MORRIS JONES

*This review-article of The Soldier and the State, by S. P. Huntington (Harvard University Press and Oxford University Press, 1957, pp. 517, 60s.), is by the Professor of Political Science at the University of Durham.*

EVERYONE knows that American isolationism was sunk at Pearl Harbour. After World War II, there could be no withdrawal, no return to as-you-were "normalcy." Many people knew further that under the leadership of Morgenthau and Kennan there has been an attempt to re-think the fundamentals of foreign policy and international relations in realist terms of interests and power, an effort to get rid of utopianism and ideology in America's view of her place in the world. Less known, but equally deserving of recognition, is the allied examination which has been taking place in the States of the problem of civil-military relations. A bibliography of the post-war contribution to this subject already made a tidy volume in 1952; by now the literature is enormous and the participants in the discussion include journalists, academics, politicians, and service leaders. Mr. Huntington writes: "The basic issue raised was: How can a liberal society provide for its military security when this requires the maintenance of professional military forces and institutions fundamentally at odds with liberalism?" His book is the latest but by no means the least contribution to this debate. It merits widespread attention for its subject matter and treatment alike. It is a work of considerable scholarship, at once thorough and provocative. Even so, it is less than wholly convincing.

"Nothing," said de Tocqueville (whose chapter "Warfare among democratic peoples" is one of the classic discussions of this subject), "is so dangerous as an army amid an unwarlike nation." He thought that America was simply fortunate in that her geographical security enabled her to be content with an army of a few thousand soldiers, but, in general, he envisaged all kinds of troubles for democracies obliged to have armies, and some of his fears have stuck. In aristocracies, armies reflect and harmonise with the society: the military spirit is esteemed throughout—"the nobleman enters the army to find an honorable employment for the idle years of his youth"—and accepted inequality is the rule—"the officer is noble, the soldier is a serf." As soon as egalitarian and democratic ideas take hold, complications set in. While war remains "an occurrence to which all nations are subject," the pursuit of wealth and welfare now causes "the spirit of military glory to be weakened." One consequence is that "the profession of arms ceases to be held in honour, and military men fall to the lowest rank of public servants: they are little esteemed, and no longer understood. . . . The best part of the nation shuns the military professions. . . . Military ambition is only indulged in when no other is possible." Moreover, whereas in aristocracies rank in the army is no more than "an appendage" to rank in society, in democracies an army officer often "has no property but his pay and no distinction but that of military honours"; "his rank in society almost always depends on his rank in the army"; in fact, he is a social nobody.

except in so far as military rank helps to make him somebody. But this means that rank is very important to the military man. And since social status no longer indicates firmly the army rank to which one can decently aspire, "the bounds of military ambition" come to be "immeasurably extended." "In democratic armies the desire of advancement is almost universal: it is ardent, tenacious, perpetual; it is strengthened by all other desires, and only extinguished with life itself." This might not be particularly awkward were it not for the fact that in normal times of peace, promotion opportunities are really very limited. The military man is not so dull that he cannot see where's the rub: in times of peace. The great thing about war is that it "makes vacancies and warrants the violation of that law of seniority which is the sole privilege natural to democracy." "We thus arrive," de Tocqueville concluded, "at this singular consequence, that of all armies those most ardently desirous of war are democratic armies, and of all nations those most fond of peace are democratic nations." And there, more or less, de Tocqueville left it, the largely insoluble problem of an unassimilated group in the community, forming "a small nation by itself, where the mind is less enlarged and habits more rude than in the nation at large." The only faint ray of hope was to be seen in the direction of "infusing into the spirit peculiar to the army the general spirit of the nation." In this way, with luck, this "turbulent, restless, ill-tempered and dissatisfied" group might have its opinions and desires "tempered."

In place of these shrewd, anticipatory guesses, Mr. Huntington gives us an elaborate theoretical analysis and a widely-ranging historical account. Instead of de Tocqueville's vivid writing, we have here a solemn, measured style. Mr. Huntington's earnestness is understandable but it is a pity that it drives away so much of the fun and drama which belongs to this subject. He also finds de Tocqueville wrong in some of his guesses and quite mistaken in his hopes. The main theme of Mr. Huntington's book is that military professionalism has been misunderstood and that the solution of the problem of civil-military relations depends not on the modification and tempering of the military mind but on its preservation, purification and cultivation. Now this is evidently a piece of dynamite worth closer examination.

Quite a lot depends on the concept of military professionalism which Mr. Huntington works hard. No doubt de Tocqueville himself used the phrase "military profession" and we, too, would not normally regard it as something to be avoided. Nevertheless, more usually, we would continue to make a distinction between "the services" and "the professions," intending by this to point perhaps to the "public" nature of the former and the "private" and "learned" character of the latter. Mr. Huntington will have none of this casualness nor of its implications. The principal criteria of professionalism are expertise, social responsibility and corporateness, and "the vocation of officership" meets all three. Accepting as quite justified in this context the exclusion from consideration of all non-commissioned ranks, we may readily grant the corporateness of the officer corps, reinforced as it so obviously is by uniforms, jargon and ranks. The other two criteria are more slippery and difficult to grasp. The present reader was unable to allow himself to be carried away by the author's

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persuasive pages on military expertise. There exists, we are told, "a distinct sphere of military competence which is common to all, or almost all officers, and which distinguishes them from all, or almost all, civilians." "This central skill is perhaps best summed up in Lasswell's phrase, 'the management of violence,'" and it is "an extraordinarily complex intellectual skill requiring comprehensive study and training"—so much so that "the intellectual content of the military profession requires the modern officer to devote about one-third of his professional life to formal schooling, probably a higher ratio of educational time to practise time than in any other profession." With all respect, it looks as if West Point has been shooting a line; Harvard should have known better than to swallow it. Similarly, on social responsibility: when the author says that "the motivations of the officer are a technical love for his craft and the sense of social obligation to utilise this craft for the benefit of society," we can only have a feeling of embarrassment if this is meant to be a generalisation from the body of facts.

But at times the author seems to disclaim such an intention and to be, rather, seeking a statement of the "idea" or model of the profession. Unfortunately, it requires great skill to play the Plato game and keep what ought to be distinct from what is.

The delicate operation of model construction is again seen when the book moves on to describe "the military mind" or "the military ethic." For the author's method is not to generalise from a survey of actual attitudes held by a variety of military men, but instead to build up the "ideal type" of military mind as a deduction from the nature of the professional military function as already defined. The attitudes of mind which the author finds to be logically attached to the profession of arms include views of human nature, society and history as well as distinct approaches to national security and war. There are here some well-expressed passages of great interest and penetration such as: "The military man will always argue that the danger of war requires increased armaments; he will seldom argue that increased armaments make war practical or desirable. He always favours preparedness, but he never feels prepared. He rarely favours war . . . he contributes a cautious, conservative, restraining voice to the formulation of State policy. He is afraid of war. He wants to prepare for war. But he is never ready to fight a war." This is a brilliant correction of de Tocqueville, but strictly speaking, of course, the author is indifferent as to whether he is giving an account of actual military attitudes; this is only abstract model-construction. But models are—or become, as one plays with them—standards. What must logically be becomes what ought to be, and what is is judged thereby.

Some of the consequences of Mr. Huntington's theory can be noted at once. His marked emphasis on the distinctness of the military profession and its ethic inclines him to neglect or pay too little attention to other aspects of armies. Thus, while he admits that an army is a bureaucracy, this for him is a "secondary, not essential characteristic." But a large number of military professionals are for a lot of their time engaged in administration. Granted, the way they administer will owe something to their "military ethic," but will not involvement in administration have its independent influence on their ways? Again, while military professionalism surely colours civil-

military relations, it would seem unreal to treat these as wholly *sui generis*. Is there nothing to be learnt from the relations between career civil servants or career diplomats and their political masters? The attempt to abstract "profession" from everything else leads equally to a dismissal of other factors such as social composition. Mr. Huntington gives a good account of the emergence of the professional army in the nineteenth century, but he seems wrongly to assume that the process was neatly completed; abstraction thus leads to a mistaken account of history. In the United States it may be permissible to discount the social origins of the officer corps, but can this be safely done elsewhere? Does not class, as well as professional caste, have an influence on the attitudes of the military officer? Mr. Huntington will reply: maybe, but this only means that the officer is to that extent an impure type who falls short of the necessary model. But this will not do; it is the model that is inadequate, because oversimplified.

The culminating point of the author's theory is his view of civil-military relations. Many people, he complains, have for long spoken about "civilian control" of the military. But this has usually meant no more than increasing the power of this or that civilian group in relation to the military—often merely as a part of a tussle against some other civilian group: parliamentary control of the armed forces—against the crown; bourgeois limitations of the armed services—against elements of aristocracy; party infiltration of the forces—against any non-party grouping. But this is very haphazard. "A new and more meaningful definition of civilian control" is therefore offered. The armed forces will be properly controlled not by maximising some civilian power but by maximising military professionalism. As one approximates to the model of military professionalism, so one will at the same time solve the problem of civil-military relations. The recognition of an independent sphere of military expertise implies the removal of the military from politics, their political neutrality; the conflict between civilian control and military security is resolved, policy is determined by the civilians, the military play their proper role as "instruments" only. The policy recommendation, therefore, is to do all possible to restore and enhance "the integrity of the officer corps."

This has an appealing neatness but its validity, depending as it does on a false neatness of the constituent categories, is doubtful. The author's "essentialist" philosophy leads him astray at several points on his way. For example, it is, to say the least, odd to describe the German State 1870-1914 as one in which civilian control of the military was maximised—simply because military professionalism was at a peak and because, while civilian power was concentrated in Kaiser and Chancellor, military power was divided between several offices. To speak thus is surely to underestimate the variety of ways in which military thinking influenced the civilian rulers. Mr. Huntington only acknowledges military influence later, during 1914-19; and then it is an influence not "essentially," not properly called military, because the military men had become corrupted by popularity and political power and were expressing attitudes that do not belong to the model military ethic! Again, he admits that American military leaders in the late nineteenth century often gave views on the military needs of the U.S. which were based

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not on the country's international situation but on the needs of the military profession. But is this not a tendency to be expected, and would it not be encouraged by any one-sided boost to the "integrity" of the military profession? The discussion of the career and ideas of Admiral Mahan shows what a tight-rope Mr. Huntington's concept of military professionalism is: when the apostle of American militarism is judged to have fallen from the strait and narrow for having passed beyond professionalism (in the "essential" sense of the word) to a glorification of national expansion and a moral justification of war, one wonders who there can be in the real world who passes the test. Certainly, few whose names are known; in American history, it would seem, three above all: Sherman, Pershing and Ridgway. "The Macs and the Ikes," the Ludendorffs and de Gaulles, not to speak of the Francos and Nassers, are all "deviations," excluded for achieving politics or having it thrust upon them. In this way we are prevented from being able to detect the political implications of the military mind; by definition, it has none; if there are political colours, it is no longer the pure professionalism.

Beyond these questions, there is another. Is it part of the attitude of the military mind to despise the politician? Most people would agree that the records show that such an attitude is at least very common. Whether it forms part of the "essential" military view is not quite clear from this book. But in any event, in so far as it exists it must always make it difficult for the military officer group to act as a perfectly passive obedient neutral instrument in the hands of the policy-makers. And what evidence is there that an enhancement of the position of the military would of itself serve to make them respect "the frocks"? Further, is it not likely that encouragement of pure professionalism would tend to make mutual understanding between soldier and politician still more difficult?

All these doubts must not be permitted to obscure the great merits of Mr. Huntington's book. The bulk of the work is devoted to the U.S. and is based on a most thorough examination not only of political documents and memoirs, but also of the files of leading military journals. There is here a fascinating account of the growth of military professionalism in the U.S. against a background of liberal hostility. There is also a detailed description of relations between political leaders and military men in American history and in particular since 1940, a description which treats of the attitudes on both sides and explains how the shape of the U.S. constitution helps to account for the manner in which problems have been solved. Of exceptional value is the careful tracing of the changing role of the Joint Chiefs of Staff in the Truman and Eisenhower periods. Worth special note is the author's unusual defence of the Constitution's separation of powers: whereas most commentators have found it a weakness of the American system that control of the armed forces is divided between President and Congress who may pursue contradictory policies, Mr. Huntington professes to see in this a virtue; he dignifies it by calling it "strategic pluralism" and even persuades himself that it "enhances the military security of the U.S.!"

It is difficult not to feel that the immense good there is in this book comes in spite of the author's theory. We have concentrated attention on the

theory and we return to it in conclusion partly because the author himself attaches importance to it, partly because it colours so strongly the final impression which the book leaves on the reader. The fact is that Mr. Huntington is not content to offer a model: he falls in love with it. His immersion in "the military ethic" has made him quite sentimentally attached to it. In the end he is pleading not only for *lebensraum* for military professionalism, but for a reshaping of the whole of society's values to make a cosy home for the "managers of violence." "So long as American military security is threatened, the power of the military is not likely to diminish significantly. The requisite for military security is a shift in basic American values from liberalism to conservatism. Only an environment which is sympathetically conservative will permit American military leaders to combine the political power which society thrusts upon them with a military professionalism without which society cannot endure."

As argument, Mr. Huntington's book ends there. Unfortunately, the author felt that a purple patch was required to round it all off. And we, setting aside charity, must follow him, for the purple patch does indeed show where the author's theory has taken him. Did we refer earlier to the Plato game? Listen to this eulogy of West Point: "Beauty and utility are merged in grey stone. Neat lawns surround compact trim houses, each identified by the name and rank of its occupant. The buildings stand in fixed relation to each other . . . their character and station symbolising their contributions, stone and brick for the senior officers, wood for the lower ranks. . . . West Point is a community of structured purpose. . . . In order is found peace; in discipline fulfilment; in community, security. . . . A bit of Sparta in the midst of Babylon. . . . In its severity, regularity, discipline, the military society shares the characteristics of the religious order. Modern man may well find his monastery in the Army." So the over-simplified theory lands us in a ghastly caricature of the *Guardian State*. We shall perhaps be permitted to say that we find preferable the liberal attitude which values an effective constitutional framework, disbelieves in any perfect separation of policy and strategy, accepts civil-military relations as a continuing difficulty and recommends vigilance as a fair price for keeping the army in its place "amid an unwarlike nation."

## INSTITUTE NEWS

### *Royal Commission on Greater London*

AMONG the members of the Royal Commission which is to examine the present system of working of Local Government in the Greater London Area, are two—Sir John Wrigley and Professor W. J. M. Mackenzie—who have been prominent in Institute activities. Sir John was Chairman of the Institute's Conference in 1955 on the Development of Local Government in the Colonies and was also a member of the Institute's study group on New Sources of Local Revenue. Until his retirement Sir John was Deputy Secretary at the Ministry of Housing and Local Government. W. J. M. Mackenzie, who is Professor of Government in the University of Manchester, has frequently contributed to the Institute's Journal and other publications, and is active in the Manchester Regional Group. He has also been adviser to the Government of Tanganyika on problems relating to the development of democratic government. In company with J. W. Grove, Secretary of the Institute's Manchester Regional Group, Professor Mackenzie is co-author of a new book, *Central Administration in Britain*, published in November last.

### *New Honorary Life Members*

At a recent meeting, the Executive Council appointed Sir Eric Coates and Mr. O. A. Radley as Honorary Life Members in recognition of their most valuable contributions to the Institute's work. Sir Eric Coates was formerly in the Indian Civil Service and later became a Deputy Chairman of the National Coal Board. Mr. Radley was Town Clerk of Leeds from 1938 until 1952, and was Chairman of the Leeds Regional Group for many years. Both Sir Eric and Mr. Radley have served as Vice-Presidents.

### *Local Government in British Guiana*

SIR HOWARD ROBERTS, one of the Institute's Vice-Presidents, recently undertook a mission to British Guiana on behalf of the sugar industry to advise them on problems arising from the development of Local Government: a development in which Institute members have played a prominent part in the territory. Dr. Marshall, a former Chairman of the Executive Council, devised a scheme in 1955 and Dr. L. C. Hill, another Vice-President, is the Senior Commissioner engaged in introducing that scheme. A number of the services normally the responsibility of Local Authorities are now provided by the sugar industry which has extensive plantations there, and the problems arising from a transition to a system of democratically elected councils are bound to be complex. Sir Howard Roberts gave a most interesting account of his mission at the recent Annual Dinner of the Brighton Regional Group.

### *Regional Groups*

AT a members' meeting at Leeds in October a new provisional Group Council was appointed to review Regional Group activities which had lapsed

over the last year or two. Mr. Arthur Bond, Deputy Chairman of the Yorkshire Electricity Board, was unanimously elected Chairman and among the Group Council members is Mr. Hayhow, at one time the Institute's Assistant Honorary Treasurer, who has recently been appointed Leeds City Treasurer, having previously been Treasurer of the County Borough of West Ham.

Mr. J. F. Woodrow, Secretary of Brighton Regional Group, left this country at the end of November to take up an appointment as Establishment Officer with the Nairobi City Council. While at Brighton he was on the staff of the South-Eastern Electricity Board. Mr. Woodrow will be working closely in Nairobi with Mr. Frank Bestwick, who joined the staff of the Nairobi City Council a few months ago as their O. and M. Officer. Previously he was with the East Midlands Gas Board.

### *Sir John R. Simpson visits North America*

DURING September and October Sir John R. Simpson, Controller of H.M. Stationery Office, made an official visit to Canada and the United States. It was his fifth journey to North America and he was there for six weeks. One of his main tasks was to compare the current policies and practices of the Stationery Office's opposite numbers in Ottawa and Washington in printing and the purchase of office supplies. The other was to investigate the methods of printing telephone directories developed by the North American telephone companies, which are privately owned. The production of telephone directories, especially those for the London area, is one of the Stationery Office's biggest operations. While in Ottawa Sir John had talks with senior Canadian civil servants on other questions with which they are at present particularly concerned. In Washington he gave an after-luncheon address to the Public Personnel Association, and also lectured at the George Washington University on the subject of "Treasury Control."

### *Annual General Meeting 1958*

THE 1958 Annual General Meeting will be held on Friday, 25th April at County Hall, London. Last year the Annual General Meeting was followed by an informal dinner, and this was so successful that the Executive Council had no hesitation in deciding to hold another such function. Members are requested to note the date.

### *1958 Conferences*

THE Institute is planning to hold a Summer Conference at Bonn in September, 1958, to enable members to learn something of the main features of administration in the West German Federal Republic. Further details will be announced later.

The 1958 Round Table of the International Institute of Administrative Sciences will be held at Liège during the first week of July. The International Institute decided to meet in Belgium next year so that those attending might have the opportunity also to visit the World Fair which is being arranged at Brussels.

## BOOK REVIEWS

### *Reflections on International Administration*

By A. LOVEDAY. Clarendon Press (Oxford), 1956. Pp. xxi+334. 42s.

THE first comment to be made on this book is that it is indeed written from the inside. It is no theoretical treatise; the author has used his mature experience in international administration to penetrate to the essential issues, and to set out each problem in the practical terms in which it presents itself to the international civil servant. One instance from the discussion on advisory committees—quite a minor one—is an apt illustration. Should an advisory committee of experts appoint from among its members a rapporteur to frame its report? The answer is unhesitatingly "No," and the reasons are interesting. The average amateur rapporteur needs to keep his notes neat and watertight as he goes along, and this need hampers the discussion, some of which may well need to be left ragged in the early stages in the interest of final results. Again, the clash between the rapporteur's duty to try and convince his colleagues of the rightness of his own views and his duty to express the collective wisdom of the committee will result in either too little or too much bias in the report towards the rapporteur's own views according to his lights. This particular reflection could only come from someone who has himself seen committees at work and applied a critical mind.

Mr. Loveday has on the other hand avoided scrupulously the dangers which can result from being too close to the subject. He has been able to stand back and look objectively at the post-war developments of international administration. In his Introduction he sets out the significant changes—the different atmosphere, the new constitutional procedures and machinery, and the use to which the machinery is put. In the light of these changes he has developed his reflections round two main groups of subjects—"Personnel Policy" and "The Machine in Motion." His purpose has been to deal only with those aspects of administration which an international setting renders distinct. In this way he

singles out for discussion in the first group the qualities required in an international civil servant: the problems of recruitment; the maintenance of morale; staff regulations and the methods of enforcing them. Two chapters describing the features peculiar to the life of an international official and to his work give the necessary background and are written with insight and understanding.

The underlying problem which emerges from the discussion in these two chapters is that of an insecurity greater than any national civil servant living in his own country ever feels. The permanent international official is cut off from his national culture and national life; a permanent guest, always "external to the society in which he lives." As his children grow up he faces, early or late, the breaking of family ties; either his children are integrated into the local life and culture, with the probability that they will wish to make their lives there, or he must send them home to school if he is not to prejudice their chances of taking up life with ease in their own country. As he approaches the later part of his career his preoccupation changes to his own position on retirement. What sort of life can he lead in his own country to which he has become a stranger? Finally, the whole working atmosphere of an organisation whose future is bound up with the uncertainties of international relations tends to enhance this fundamental feeling.

An interesting discussion follows of the modern role of the international official. Mr. Loveday sees it still primarily in terms of the diplomat whose main task is the promotion of agreements between countries with divergent viewpoints and at completely different stages of development. This is modified, but still true, for the specialised agencies, particularly those which have executive jobs to perform. Even if it might perhaps be modified a little more than the book implies, for certain functions of the United Nations which are concerned with

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technical aspects of its work, this merely brings to prominence the further problem of how an international official whose special interest and experience is in the field of, say, housing or social security or transport, can be kept from feeling frustrated because he seems to himself so remote from practical results.

Against this background what are the qualities required of the international civil servant? They are summarised as understanding and loyalty, combined with diplomatic capacity and a constructive imagination; intellectual capacity is not enough—your successful official must be tough, quick-witted, able to do rush work efficiently and to work long hours. One quality singled out as of vital importance is the capacity for leadership, but with the qualification that few can be given much scope to use it. This qualification is, I think, unsound. In the early years of the United Nations the feelings of insecurity and frustration were intense, partly because of the growing pains of a new organisation, and partly due to the political atmosphere. But wherever an official in charge of any group of staff, large or small, had the capacity for inspiring those under him with a belief in the value of the work, in the need for high standards and in his own honesty and fair-dealing, morale would remain high in the most difficult circumstances; the reverse was only too clearly true.

The next few chapters contain a fascinating analysis of the main personnel problems of an international organisation and the machinery devised for solving them, with its good and bad features and suggestions for improvement. Some of these questions are controversial. For instance, where, within the administration, should responsibility for recruitment of staff lie? All Directors of Personnel in International Organisations will read this with special interest. I would not, myself, agree with all Mr. Loveday's conclusions, in which indeed I find some inconsistency. He rightly divides the problem into two—recruitment policy, and the process of recruitment. Responsibility for the recruitment policy governing the filling of a post he would place with the Director of the department concerned, with suitable reference upwards to his superiors, but the pitfalls of this method are also recognised. There is the habit of Directors of departments to seek too

often for specific technical knowledge, and so to strengthen the tendency, castigated elsewhere in the book, for international organisations to work in watertight compartments with no opportunity for interchange of staff; there is the need for the comprehensive view on questions of age distribution, of geographical distribution and of promotion prospects. These, surely, are just those fields in which the influence and authority of the Personnel Department should be strongly exercised. In the second process of recruitment—the formation of the field and the selection of the individual—Mr. Loveday recognises much more fully the respective parts to be played by all those concerned with appointments, and his summing up could not be bettered—“What is required in an international administration is a system under which the senior officers as a whole feel a direct responsibility for pursuing a sound recruitment policy and look to the Personnel Officer for wisdom.”

All of the subjects treated in this part of the book, probation, promotion, pensions, contracts, staff rules, standards of conduct, administrative tribunals, to mention only some, will be read with the closest interest by those who have had personal experience of them. Those without direct experience of work in an international secretariat may well find that they appreciate the first part of the book better after reading the second part, that entitled “The Machine in Motion.” In this part the author deals exhaustively with a specialised subject to whose complications the national counterpart gives little clue. The analysis of the structure, functions and procedure of advisory committees and of the more senior bodies such as councils and boards makes absorbing reading on its own. As an illustration of the nature of the responsibility carried by the international civil servant it could not better show the delicacy of the negotiations he must undertake and the call which these make on experience, integrity and clear thinking. If one were to attempt to summarise the lesson of this part of the book for the international official, it would be to stress the paramount necessity for exactness of thought as to the purpose of the Committee, Council or Board to be served. Only if that is firmly established can those essential points of size, membership,

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terms of reference, length of appointment, method of working and form of report, be properly determined.

These chapters provide a fund of practical wisdom and experience on which an international official may draw. Indeed this is the note on which this review should end. A study of these reflections would be of immense value to any person

joining an international secretariat. Many personal problems would be faced in advance and thus be diminished and many mistakes be avoided. Those already at work in this field will be encouraged in their pursuit of the ideals of good administration by the wisdom, balance and realism of this book.

MARY SMIETON

### *The World Health Organization ; A study in decentralised international administration*

By ROBERT BERKOV. Librairie Droz (Geneva), 1957. Pp. 176. Frs. 16.

THIS book of 162 pages of text is too much pudding with too few plums. Every author has latitude to introduce and explain his methods and purposes, but would be well advised not to extend these preliminaries unduly. Mr. Berkov devotes his first chapter (11 pages) to describing his method—a wholly orthodox one—and gives three pages to source material which properly belongs in the bibliography. Chapter II (nine pages) sets forth observations on administrative centralisation and decentralisation, mostly too obvious to need stating, e.g., that a central organisation cannot delegate powers which it does not itself possess. The essence of this chapter is that true decentralisation involves delegation of a proportion of the power of decision (and not merely geographical dispersion of sub-agencies) while yet keeping "high policy" in the hands of the centre. Chapter IV, on earlier international organisations in the field of health, outlines their history without analysing their methods of work. An opportunity for interesting comparison with W.H.O. is thus lost. Chapter V is another historical outline, this time of the initial steps to regionalise W.H.O.'s structure. Conflicts

of view are boldly stated, without analysis of the principles invoked.

The reader has now reached page 62 and thereafter finds some plums in his pudding. The page on "Evolution of Regional Programmes" is an example, and so is Chapter VIII, on finance. By Chapter IX the book has become interesting and illuminating, and there and thereafter problems of the relation of the central with the regional organs of W.H.O., of personnel, of the impact of political pressures, of the frustrating tendency of governments "to push political phobias into what should be a matter of simple professional advice on matters of health," are well stated and sometimes analysed. There are *lacunae*—for instance, when "complications" over delegation or division of responsibility are mentioned but not described—but it is only fair to the author to assume that he has frequently been restrained by tact and discretion.

In this book, Mr. Berkov has set out to plough a new field and therefore deserves our gratitude, even though we may wish that he had ploughed deeper.

HEATHER HARVEY

### *Local Authority Borrowing*

Institute of Municipal Treasurers and Accountants, 1957. Pp. 117. 25s.

THIS excellent little study undertaken by a committee of Local Authority Treasurers, under the chairmanship of Mr. N.

Doodson, of Lancashire, packs into its 117 pages both matters of principle and a considerable amount of information on

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Local Authority practice concerning capital expenditure and control, as well as on methods of borrowing. Much of the information is not available from published resources. The study will be very useful for Local Authority officers and students; it is often not at all easy for officers in one authority to find out how their colleagues elsewhere are tackling new situations. University lecturers and students will also find it useful and suggestive in spite of its small compass, especially because the conditions described have altered materially since the pre-war writings of Long, Maxwell and Marshall.

The unpublished information is derived from an exhaustive questionnaire arranged under 12 headings which together cover the scope of the study. This was sent to a cross-section of 59 Local Authorities, chosen because they were likely to have something to contribute rather than as a random sample. Fifty-six out of the 59 sent replies. It is to be hoped that the detailed returns will be available for further research, as there is clearly more to be squeezed out of them.

To the present reviewer the most interesting discussions centre round: (i) the question of "How much borrowing?", (ii) capital budgets and the control of expenditure, (iii) the scope for internal borrowing, (iv) the adjustment of borrowing periods (from the P.W.L.B. and elsewhere) in the light of government policy and interest rate changes, and (v) the future of mortgage borrowing, especially from the local community.

The question of how much borrowing, or, to put it the other way round, how much capital expenditure to finance from revenue, is, of course, not a new one. Text books (and the present study is no exception) are eager to point out to Local Authorities the terrifying effect of accumulated debt charges on future rate poundages, with the inference that it is better to finance as much capital expenditure as possible out of revenue. To the economist this argument is apt to seem a little overdone, at least so far as lasting assets are concerned, since it undervalues the great advantages of having the assets immediately, instead of only some years hence. However, in practice the extent to which Local Authorities can finance capital investment out of revenue is inevitably limited if rate poundages are to be kept reasonably steady.

What is new on this side of the problem is the extent to which Local Authority financial policy is heavily swayed, if not virtually determined, by the central government: either by general economic policy, including the availability of loan funds, or specifically by the terms which different Ministries lay down for the award of grants. Thus the Ministry of Transport for road development, and the Home Office for civil defence, encourage capital expenditure out of current revenue, while the Ministry of Health and the Ministry of Education discourage it, by disallowing for grant capital expenditure above a certain limit. It is hard to discern any principle behind this variety of practice. On the other hand it does not appear that the receipt of a high percentage on the equalisation grant has any effect in stimulating capital expenditure from revenue, as it might be expected to do.

The insertion of a section on period budgeting and the control of capital expenditure is a sign of the times. It is also timely, because it would seem from the diversity of practice revealed by the questionnaire (annual plans, short-period plans, long-period plans, hand-to-mouth decisions) that few Local Authorities have really thought out the problems implied.

The planning and control of capital investment by Local Authorities is very similar to the parallel problem in developing countries, which has recently given rise to a great deal of research and discussion (cf. a whole series of U.N. publications, especially *Budget Management*, a Report of an E.C.A.F.E. workshop in 1955). Local Authorities, like developing countries, have to work within the bounds of two serious limitations: (i) rigidity in the supply of technical staff, and (ii) limited financial powers, especially in respect of loans. Consequently they have the same urgent need to make the best possible use of scarce resources.

There is little doubt that the best method of planning and control is to combine a period plan (five years is convenient) with annual capital budgets. The period plan will look after the general position, both in respect of the choice of priorities and in forecasting the total demands for personnel and materials that will be required. It can also be very useful in stimulating the interest and co-operation of ratepayers. The annual budget will check the progress of the

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various projects, and forecast the amount to be accomplished in the coming year. If the revenue and capital budgets are to be discussed at different times of year (as seems often to be the practice), it is quite necessary that they should be brought into final harmony at one and the same time.

The other points must be discussed more briefly. In the 1930s the advantages of the pooling of funds for investment on the one hand, and of loans on the other, were being pointed out as new ideas; the important possibilities implied by the accretion of superannuation funds were only realised here and there. It appears that a number of Local Authorities still do not fully realise the advantages of pooling nor the possibilities of capital expenditure from internal borrowing of funds. Superannuation funds (England and Wales) at £283 million have nearly tripled since 1940; other funds have also risen, although to a lesser extent. Sinking funds alone have declined, as is only natural in view of the great reduction in high-rate pre-war obligations. In respect of sinking funds the authors wisely point to the advantage of accumulating repairs and renewals funds, as providing for the true depreciation of assets, not merely for the repayment of loans.

The vagaries of government decisions in respect of Public Works Loan Board lending terms are well known (for the problem as seen by an economist see R. S. Bird, "Local Authority Finance," *Lloyds Bank Review*). On the whole it

seems unlikely that P.W.L.B. rates will remain below market rates again for any length of time, although the desirability of keeping the Board's rates fairly steady may lead to a temporary advantage from time to time. Not since the 1920s have Local Authorities been faced with the problems created by the high rates ruling today; but in a number of ways they are better able to deal with them. The P.W.L.B. is no longer bound to the necessity of covering its own high borrowing rates by the terms it allows. Its practice has become considerably more flexible; in particular it is possible to borrow for less than the full period for different types of asset. The restoration of the right to raise short-term mortgages also helps Local Authorities to avoid saddling themselves with high interest rates for a long term of years. It would be still more helpful if these could be allowed to run on after maturity, as was possible before the war. An important aspect of such borrowing in the local market is the stimulus it gives to additional saving which might not otherwise take place. Perhaps even more important than any specific measures for dealing with the problems of borrowing and capital expenditure is the growth of understanding of the issues involved, as compared with 30 years ago. In spreading this understanding the present study should play an important part.

URSULA K. HICKS

#### *Groups, Regions and Committees*

Acton Society Trust, 1957. Part I—52 pages, 4s. Part II—66 pages, 4s.

Two years have elapsed since the Guillebaud Committee presented its report on the National Health Service to the Minister, and already there are signs that some of its principal conclusions have been forgotten. Sporadic outbreaks of criticism of the hospital arm of the Service occur, much of it as ill-informed as that of the "pre-Guillebaud" period, and there are not lacking those who advocate radical changes in its administration.

It is timely, therefore, that the Acton Society Trust has recently published two more of its pamphlets in the series *Hospitals and the State*, and it is to be

hoped that the two further pamphlets intended to complete this valuable study will not be too tardy in making their appearance.

As the introduction to No. 3 explains, the series is an attempt to view the national hospital service as an example—admittedly in many ways a unique example—of a very large-sized, publicly owned undertaking. First came an historical survey, then a study of the impact of the change on the hospitals and those who work in them. These are now followed by Nos. 3 and 4, which collectively deal with groups, regions and committees—the former with

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the Hospital Management Committees, the latter, according to its title, with Regional Hospital Boards, though it also includes an important section on the administration of the Teaching Hospitals.

The Trust acknowledges that a good deal of the ground covered by these pamphlets is inevitably the same as that covered by the Guillebaud Committee, but with this difference, that because of the lapse of time it has been possible not only to supplement the findings of that Committee with factual evidence, but also to study how the various courses of action recommended by that Committee are working out in practice. There is another difference, mentioned only obliquely in the text but nevertheless an important one—the Guillebaud Committee deliberately refrained from going out into the field of action to see for themselves, whereas no such self-imposed restriction has inhibited the work of the Acton Society. It is noteworthy, however, that the Society endorses the finding of the Guillebaud Committee that the administrative structure of the hospital service is basically sound, but needs more time in which all levels can shake down together.

The short historical section in volume 3 is succeeded by descriptions of the make-up of Hospital Management Committees (Boards of Management in Scotland) and the management structure of the group. Mention is also made of the still unresolved question of whether a Group Secretary should also manage one of his hospitals, and on this question, as well as on many others, the Trust feels it would be unwise at the present stage of development to prescribe rigid forms of organisation. The most significant paragraphs in this section are those which comment on the possible blurring of the Group Secretary's sense of his own responsibility by a misconception about the position of the Finance Officer. Considerations of managerial unity, it is suggested, may have been pushed aside in order to sustain the Finance Officer in his public accountability rôle.

It is curious how many similar problems face the hospital service today. Many of them are discussed in these pamphlets. There is, for instance, the relationship of the Supplies Officer to the other members of the triumvirate at group level. There is also the relationship, at regional level, between the Secretary of

the Board and the Senior Administrative Medical Officer. Here again the authors find evidence of that diffusion of responsibility which they believe to be characteristic of the functional type of administrative structure. Whatever the cause, it cannot be doubted that the possibility of conflict is inherent in the situation, and it is a tribute to the good sense of the officers concerned that in the majority of cases good personal relations prevail. The problem could be left to sort itself out in practice, or one of three other possible courses of action could be adopted, but the authors do not say which of these alternatives they recommend. Perhaps they are wise!

The section on the Regional Boards at work reveals some astonishing differences between them. At one end of the scale are the Boards who have adopted a full committee procedure based on the Local Authority pattern; at the other end is at least one Board with an almost complete lack of committees; and in between are many variations on this theme. The authors reject the conception, of which Dr. Stephen Taylor is an exponent, that the governing bodies in the Service should consist of a small number of paid members. Rightly so: it is one of the safeguards of the system that those who give their services voluntarily and without pay are free to withdraw them at any time if they feel it in the public interest to do so.

Some further questions for study are suggested in the section on the planning work of the Regional Boards, but it is the section on the Boards as supervisory authorities that poses the more immediately important ones. Many people feel that the Guillebaud Committee should have been more definite in its recommendations as to the relative powers and functions of each level of management. That there is still some confusion about the position is evident from the questions asked here.

On the vexed question of who should administer the Teaching Hospitals it would be imprudent to do more than mention that the problem is thoughtfully analysed, and the tentative conclusion seems to be reached that, on balance, the London Teaching Hospitals should remain as they are, but that the scales are possibly tipped the other way for the provincial ones. The Trust found, however, little evidence that Teaching Hospitals had, in

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fact, become the focus from which medical knowledge and the progress of science radiate over the region as a whole, which was one of the basic assumptions of the Act.

When all is said and done, however, what matters is the vital spirit that makes an organism work—"a spirit that depends essentially on the men and women who fill the various posts." This aspect is to be covered in a later pamphlet, but some of the more important problems of organisation are dealt with here. Particular emphasis is laid on the rôle of the voluntary members of Boards and Committees, the most important of whose functions the Trust rightly regards as their humanising influence (at once anti-bureaucratic and anti-professional) on what one of its many Ministers once described as "this essentially human Service." Elsewhere the question is raised as to how much longer the Service can continue to depend on voluntary workers willing to give their time to serve on its Boards and Committees. The rôle of the Chairman is given special attention. Clearly there have been differences of opinion as to what that rôle ought to be, but none can deny its importance, and the need to find people with the right "qualities of judgment and humanity, power to take responsibility, administrative experience and adequate time to give to the work." Also, the point is stressed that the burden which has to be carried by voluntary members will always depend on the quality of the permanent administrative officers, which in turn points to the need for a proper career structure in the Service, greater mobility between the various tiers of administration, and improved methods of recruitment and training.

The authors conclude by repeating their belief that the structure of the Service is basically sound; but, they add, if it is to work well, both the voluntary members and the permanent officers must

be first-class. So far as the permanent officers are concerned the Service must be put into a position where it can offer attractive career prospects and thereby attract its fair share of the country's best brains as they leave school and university. Some of this, perhaps, is on the way; a national recruitment scheme has been started—though on a very modest scale—and an investigation into the grading structure is being carried out for the Minister by Sir Noel Hall, Principal of the Administrative Staff College at Henley. It remains to be seen whether the dry bones will be given flesh.

It was perhaps inevitable that with so much to say and restricted space in which to say it, the evidence on which many of the conclusions were reached should have been omitted. Nowhere did I regret the necessity for this omission more than in the section on the actual behaviour pattern of voluntary members. Very little is known on this subject, and opinions as to the value of voluntary members range from those of the abolitionists who regard them as busybodies to those deeply entrenched in the dogma of democracy. Somewhere between these two extremes the truth is to be found; and so far only Professor K. C. Wheare in his work on government by committees has said very much on the subject.

One cannot conclude without a word of appreciation to the Acton Society Trust for this further and very valuable contribution to knowledge of the working of the hospital arm of the National Health Service. The investigations on which the two pamphlets are based were planned and carried out by T. E. Chester, former Director of the Acton Society Trust, and now Professor of Social Administration at Manchester University. He was assisted by Miss S. N. Joy.

GEORGE WATTS

#### *Selected Papers 1922-55*

By LORD COOPER OF CULROSS. Oliver and Boyd (Edinburgh), 1957. Pp. xlix+380. 25s.

As a memorial a volume such as this is bound to be a portrait rather than a photograph. The subject of the book is neither law, politics nor history, but

Lord Cooper himself. In it are collected some of the most important of the writings of a Scots lawyer who was in communication with and acknowledged by jurists

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on the Continent, in the Commonwealth and the United States. One of the articles in the book was translated into Italian, another into Japanese. The reader can form his impression of the man from the odd bits of information he reveals in his own words. Luckily, Lord Cooper does reveal himself very fully. A man of such decided and cogent opinions equipped with a lucid and memorable literary style is almost bound to "put himself across" when speaking or writing.

The book is prefaced with a delightfully written and intimate biography of one of the most distinguished Scotsmen of this century, and a critical appreciation of Lord Cooper's contribution to the law and legal history of his country by Professor T. B. Smith, written with his characteristic discernment; and over a score of addresses delivered by Lord Cooper mostly on legal topics, but also on historical, scientific and general matters which will be of interest not only to the lawyer but also to the historian, the administrator and the layman. The volume concludes with his decision in the E. II R. case and four criminal cases.

In the all too brief biography it is revealed how during his political campaigns "his mother faithfully accompanied him wherever he went and at the conclusion of every meeting the pair of them made a point of leaving the platform in order to have a chat with their principal Socialist hecklers who pursued them nightly from hall to hall, with resultant expressions of esteem and friendship on both sides, politics temporarily forgotten." [That esteem and friendship was later manifest at Westminster among members of all parties.] "He often recalled with pleasure one occasion when, having arranged to meet his mother at the House of Commons, he sought her for some time in vain and eventually found her happily presiding over a tea-table on the Terrace where her Labour hosts were Jimmy Maxton, David Kirkwood, Willie Gallacher and George Buchanan." One of his proud possessions was a copy of Mr. Gallacher's *Revolt on the Clyde*, inscribed "With the warm regards of the author to T. M. Cooper, an honest and generous political opponent."

In the great Coalition under Churchill the Lord Advocate, as he then was, "was frequently consulted by the Cabinet on problems which had no relation to Scotland and his opinion was highly

valued." When he left the Commons to become a Judge a leading civil servant in England remarked: "There goes the finest brain at the disposal of the Government."

Many honours were conferred upon Lord Cooper during his brilliant career, but one which gave him peculiar pleasure was the Doctorate from the University of Paris. He was the first Scottish Judge since the sixteenth century to receive such an honour.

Only a passing reference is made in the biography to the Cooper Report on hydro-electric development in Scotland, which has resulted in the creation of what some consider to be Lord Cooper's greatest memorial. After his appointment to the Bench one of the first tasks entrusted to him was to preside over a Committee appointed by Parliament to report on hydro-electric development in Scotland. Reporting in 1943, the Committee observed: "Although the great bulk of the undeveloped resources of hydro-electric power were situated in Northern Scotland, the last occasion on which Parliamentary approval for a hydro-electric scheme was granted was in 1922. All the schemes promoted since 1929 were rejected. Major issues of policy have been completely submerged in the conflict of contending sectional interests. . . . Since 1922, twenty years have passed during which the Highlands have sunk into deepening depression and the greater part of the very valuable water power resources is still running to waste." Mr. Thomas Johnston, former Secretary of State for Scotland and now Chairman of the North of Scotland Hydro-Electric Board, said recently that the "Committee under Lord Cooper marshalled the evidence with great knowledge and acumen, analysed the arguments for and against and presented the conclusions so persuasively that when the Bill came before Parliament it passed both Houses almost with acclamation." A striking contrast to the past Parliamentary history and a unique tribute to the architect of the plan.

Last year the hydro-electric production of 1,281 million units was four times the amount of electricity produced in the area in 1943 and during last year saved the country 715,000 tons of coal. Twelve more hydro-electric power stations under construction will, when completed, increase the annual saving of coal by another

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350,000 tons and add 650 million units of electricity.

The concluding sentences of Lord Cooper's Report make interesting reading after the lapse of only fifteen years. As Secretary to that Committee the reviewer knows that these sentences were composed by Lord Cooper with the utmost care and they later met with the entire approval of his colleagues. In them was a bold pronouncement because at the time there was very strong "amenity" opposition and bitter nationalist criticism of making the Highlands into the power house for the South. The Report reads: "The final issue in this matter must be faced once for all realistically. If it is desired to preserve the natural features of the Highlands unchanged in all time coming . . . the logical outcome of such an aesthetic policy would be to convert the greater part of the area into a National Park . . . providing a few 'reservations' in which the dwindling remnants of the population could for a time continue to reside until they eventually become extinct."

"But if, as we hope and believe, the policy to which this Report is a small contribution is to give the Highlands and the Highlanders a future as well as a past and to provide opportunity in the Highlands for initiative, independence and industry, then we consider that a few localised interferences with natural beauties will be an insignificant price to pay for the solid benefits which would be realised."

The reader is entitled to draw what conclusions he pleases about the character of the Judge. He can, however, hardly escape being struck by the restless inquiring spirit of the Lord President. The reader will feel that Lord Cooper would have risen successfully to the challenge of any professional, psychological or even mechanical problem as those of us who were engaged in cases with him at the Bar knew he could. Later, like other Counsel appearing before Lord Cooper's Court, one always had a feeling of complete confidence in the knowledge that the case would be examined with infinite care, the argument listened to with close attention, and if, at the end of the day, the decision was adverse, one left his Court with a feeling that justice had been done, and, if it were a criminal case, that the punishment fitted the crime.

It was his spirit of universal curiosity in matters humane or scientific which is so refreshing in the present age of narrow specialisation. Lord Cooper was quick to recognise this himself and it forms the theme of his brilliant presidential addresses to the Scottish History Society. It is refreshing to find a lawyer occupying himself with the details of mediaeval population-distribution or checking the accuracy of a monkish chronicle by astronomical calculation.

The reader must be struck too by the emotional side of the late Lord President which made him spring to the defence of his Scottish heritage as well as of children, of animals or of the weak in general. Indeed "countless stories have been told of his great love of children and of their love for him. He had an amazing knack of winning their confidence and of sharing their thoughts and hopes." One incident which caused him amusement and delight is recorded. An appeal on behalf of a dog of hitherto irreproachable character sentenced to death by a lower Court for biting a child who took away his bone was taken to the High Court of Justiciary. In an opinion which received much press publicity, Lord Cooper, sustaining the appeal, stated that no self-respecting dog could be expected to stand by without protest whilst his dinner was being appropriated. "The following evening a small girl, a complete stranger, called at Lord Cooper's house and asked to see him. Ushered in to him, she explained that the report of how he had spared this dog's life had been read to her, that she possessed a doggie of her own, and that she had felt that she must call and thank him for being so merciful. Only a small child could have had the courage to call upon the Lord Justice-General in order to discuss one of his opinions with him."

Scottish institutions, "the peculiar product of the Scots Ethos," he saw to be threatened by overweening English interference and the tentacles of Whitehall. To him the Treaty of Union was obviously a reality, Scotland being an equal partner with definite rights upon which her self-respect depends and which must be defended now or never. In his own professional sphere he realised that this could best be achieved by emphasising the individuality and integrity of Scots Law. In many places the reader will find

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his feelings on the subject expressed with good humoured but deep intensity.

In regard to the liberty of the subject, Lord Cooper was concerned at the growth of bureaucracy and the spread of what he considered to be undesirable methods of police investigation. He complains that too often the liberties of the subject are decided upon the third floor of some Government Department.

At first sight it is perhaps strange to find one so genuinely a conservative in heart and mind described as an "iconoclast." The icons that he smashed were, however, chimeras—false conceptions which he saw through and resented. The key to this side of the man is surely his abundant common-sense. He was full of intellectual honesty and refused to be tied by antique precedent. The reader gets the impression that he regarded law as a dynamic and developing institution which must be moulded in accordance with the needs of contemporary society. This is demonstrated in his handling of the Law of Reparation, and by his eminently convincing criticism of the jury system in civil cases.

Undoubtedly the most valuable chapters in the book for the general reader are those on "The Scottish Legal Tradition" and "The Common and Civil Law." The exposition is a masterly piece of historical writing. It is, however, more than mere history. The book echoes again and again with the pleas for a full appreciation of the distinctive merits of Scots Law, "variegated as tartan," combining the best of two legal worlds—Roman - Teutonic; English - American. The case is so convincingly argued that it is hard to see any flaw in it. In the last resort surely it is the application of the law that matters rather than the so-called fundamental principles. It is this that Lord Cooper emphasises.

Lawyers, historians and the many friends and admirers of the late Lord Cooper in all walks of life will be grateful to Mr. James M. Cooper, W.S., for collecting and presenting in this excellent volume some of the writings of his distinguished brother. General libraries as well as legal collections should not be without a copy of this book.

M. R. McLARTY

## *Personnel Administration : A Point of View and a Method (Third Edition)*

By PAUL PIGORS and CHARLES A. MYERS. McGraw-Hill, 1956. Pp. 711. 5s.

THIS book falls into two main parts: Part I, a comprehensive textbook of personnel administration and Part II, a collection of "case illustrations." The second Part is of special interest in this country because the "case illustrations" are designed for use by the "incident method" of teaching management, which is probably less well known here than the case method as practised by the Harvard Business School. Teachers of management, as well as practitioners of personnel administration, will, therefore, find the book unusually valuable. I shall concentrate here on considering the "incident method" as described in Part II of the book.

Parts I and II of the book are designed to be used together, because the "case illustrations" in Part II are linked with individual chapters of Part I. They are both practical illustrations of the series put forward in Part I and teaching cases

for students of personnel administration and management. Part I is concerned with the nature of personnel administration and the everyday problems confronting the personnel administrator. It is intensely practical and has the ring of realism. It is also impressively documented by references to recent research. The style is refreshingly simple and free from jargon or clichés. Throughout there is an emphasis on the need for all those concerned with management to study the objectives, approaches and methods which the authors recommend to personnel administrators. As they say: "Personnel administration is a basic management function. Unless it is effectively carried out, technical efficiency is inadequate to achieve enduring organisational success. Problems of personnel should not be thought of as something separate from technical problems. Both are parts of a single situation that needs

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to be understood and dealt with by line officials, beginning with the chief executive. Effective management gets results by winning co-operation. This is personnel administration. It means developing team work." Part I is a useful guide and reference book to all students of personnel administration. The emphasis throughout is on "applied" and not "pure" theory. As the authors say: "Fine policies are dynamite unless realistically formulated for specific situations and unless they allow room for discretion when applied in specific cases."

Part I is planned systematically with useful summaries at the end of each chapter and a summary of the summaries as the final chapter of that Part. There are also appendices on the Western Electric Research Programme, the Job Relations Programme of Training Within Industry, the responsibilities of the first-line supervisor, an employee-service programme, and on the duties of a Safety Director. Those new to personnel administration will find these useful introductions to the topics concerned. Those wishing to dig deeply into the subject will also find the detailed list of selected references classified by aspects of personnel administration. There is also a name index and a subject index to the book itself.

Part II is introduced by some notes on the use of the case method, by way of explanation for the adoption at the Massachusetts Institute of Technology, since 1950, of the "incident method." Very briefly the points made are that cases should be true to life, should be realistic to the students, and not artificially oversimplified. Most teachers of management would agree. However, the authors point out that a case conforming to these conditions may be bewildering to the new student and may call for a lot of homework, which many are unwilling to do properly. These difficulties also are familiar to teachers. If they are not overcome, the result may be a slight and superficial consideration of potentially rich cases.

The "incident method" was designed to help students get more value out of their studies of cases. Instead of being presented at one go with the whole case, they are given a very brief account of the starting point of a case, the "incident." This will be only 50 to 100 words long—contrast, for example, the lengthy cases in Harold Stein's *Public Administration and Policy*, a

*Case Book*. Then, working as a group, students question the discussion leader to elicit relevant further information. One student, previously briefed on these new facts, acts as a reporter, and as an observer of the group's behaviour. Working again as individuals, each writes down his decision for action in the case. Then small groups of those who agree on a decision are formed. Each group prepares a statement of its decision, with reasons, and appoints a spokesman. The spokesmen present their arguments in debate. Next the discussion leader recounts the actual end of the story and makes his own comments. Lastly, the whole group reflect over the whole case to isolate general principles of personnel administration. The merits claimed for this are that it is highly active; it removes the necessity for a lot of homework; and, very important, it gives students practice not only in being a discussion member but in being an "observer-reporter" and in turn discussion leader, presenting a case. This opportunity for students to fulfil these several functions overcomes the difficulty attached to the orthodox case method that the discussion leader frequently learns more from the exercise than his students.

These are all strong points in favour of the "incident method." I have not heard of its being tried in this country and think that it should be. Some features, however, raise doubts in my mind. The cases bristle with detailed questions. If these are given to the students in the form as printed they may "spoonfeed" them and inhibit spontaneous thought. They would be very helpful to the discussion leader, so long as he does not confine himself too much to them.

The emphasis throughout is on inter-relationships between people, which, of course, one would expect of a textbook on personnel administration, but in using the cases the discussion leader would have to prevent too narrow a channelling of discussion into the purely human relations aspect of a case. In real life, points of organisation and technical "know-how" are intimately interwoven with personnel aspects in any problem. There must be scope for much more use of rôle-playing than is suggested here, especially for handling problems where strong emotions are aroused and where skilful interviewing is the keynote of success. As the authors themselves say "unless this gap between

verbalising and practice can be bridged, there is little advantage in studying cases about human relations." In fairness, I should redress the balance by saying that the cases given are of great variety ranging from a detailed account of an interview with a dissatisfied employee (e.g., the "Deborah Larkin case") to a very general problem (the "Learner Spinners" case). They include records of conversations in interviews (N.B., these must surely be invented since they go back as far as the 1930s) actual letters and descriptive analysis.

In this country we are short of case material and we can learn from these authors' experience, where a great deal of time and patience is devoted to finding and writing up cases tailored to students' needs. If case study, whether used with the "orthodox" or the "incident" method is to be more than a gimmick, we have got to go out and get our cases and devote both to their preparation and their use the same amount of time, thought and skill as the authors of this book have done.

VICE V. TURNBULL

### *The Role of the Personnel Officer: A Group Review*

By GUY HUNTER. Occasional Papers No. 12. Institute of Personnel Management, 1957. Pp. 21. 4s.

THE President of the Institute and the author emphasise at the beginning of this paper that the findings are those of a small group of individuals and not the official views of the I.P.M. and that the pamphlet cannot include all the opinions expressed or the valuable suggestions made during the concentrated discussions. This is a pity, because "the group of individuals" includes names of great importance in personnel management today and a full report of the Study Group would have been of greater interest and value than this very brief, if lucid, paper which arouses interest but leaves the reader somewhat frustrated with what Mr. Hunter himself, in his conclusion, refers to as "dry bones."

The motivating power of the personnel manager and his responsibilities to an organisation and to society in general are important issues. The report suggests that the personnel manager should enjoy senior status but cannot expect to have professional recognition in the strict sense, and that although it would be unrealistic to believe that he should have a higher social morality than other managers, it is necessary for him to remind management from time to time of their internal and

external responsibilities. Another question which is briefly referred to is: How far should a personnel manager be consulted on the organisation pattern of his firm? It seems to be generally agreed that he should have a greater part to play in this respect: it was also agreed that he should be the principal representative of the firm when negotiating or consulting with the trade unions. All these problems concerning the rôle of the personnel officer, his status, training and functions are matters of paramount importance, and an occasional paper seems to be an inadequate medium for recording such proceedings.

Admittedly the objective, that of marking out the various boundaries of personnel management, has to some extent been achieved. A clearer picture would have been welcomed by those who are facing up to personnel problems and deciding just where, within an organisation, the personnel manager should be and what precisely should be his rôle. Nevertheless, it is realised that such a group, meeting for only two days, could hardly be expected fully to reconcile their views on these major problems.

JOHN SARGENT

## BOOK NOTES

### *Report of the Civil Service Commission*

1956-57. H.M.S.O. Pp. 40. 2s. 3d.

As usual this report contains a great deal of interesting material. The Commission has been reconstituted and a new Order in Council supersedes the old 1920 Order under which the Commission exercised various powers. The changes mainly concern the Certificate of Qualification, e.g., such a Certificate is no longer a general condition of appointment in a temporary capacity. The Report points out that the implementation of the Report of the Royal Commission on the Civil Service, particularly the widespread introduction of a five-day week, already appears to have had a beneficial effect on recruitment. Even the entry to the Administrative Class for 1957 seems to be stronger both in numbers and quality than in 1956. The report records one development of historical interest. Since 1870 candidates' examination fees have been paid in the form of a Civil Service Stamp—now candidates are to pay by postal order or cheque.

### *How Local Government Works*

By HONOR WYATT. The Bodley Head, 1957. Pp. 160. 9s. 6d.

THE author sets out to answer some of the basic questions which young citizens ask about the history and working of local government. Her book succeeds in bringing the subject to life and in conveying, in addition to factual information, a great deal of the atmosphere and spirit in which elected members and chief officers carry out their duties. She also shows what manner of men and women they usually are. Detailed criticism of a book with such a simple object would be ungenerous, but the statements on page 144 that "Local Government Officials work under the general guidance of an official known as the Clerk of the Council or a Town Clerk" and "I have heard the Clerk of the Council described as a kind of managing director of a large firm which has several departments and I think that explains his position very well," are at

least an over-simplification if not entirely misleading.

### *Housing in Great Britain*

By HERBERT ASHWORTH. Thomas Skinner, 1957. Pp. 157. 7s. 6d.

THIS book, written by the General Manager and Secretary of the Co-operative Permanent Building Society, is a consolidated and revised edition of two booklets published in 1946 and 1947. Designed both for students reading for the final examination of the Building Societies Institute and for the general reader, the present version forms a useful introduction and guide to housing and housing legislation in Great Britain. It is divided into two parts, dealing with housing policy and housing standards respectively. An appendix is devoted to post-war housing legislation.

### *L. Urwick : A Bibliography*

Urwick Orr and Partners, 1957. Pp. 45. Available free.

LT.-COL. URWICK's vast contribution to the literature of scientific management is listed in detail in this compilation. In addition to his numerous contributions as an original thinker, he has acted as a publicist for the work of others. All librarians will be grateful to Col. Urwick's firm for making available such a very useful bibliography in the field of management literature.

### *Hart's Introduction to the Law of Local Government and Administration (Sixth Edition)*

By WILLIAM O. HART. Butterworth, 1957. Pp. lxiv + 727 + 79. 45s.

THIS further edition of an authoritative work which first appeared in 1934 takes full account of recent changes in the law relating to town and country planning, housing, and rating; of the Licensing Act, 1953, and the Food and Drugs Act, 1955; and of the 1956 and 1957 White Papers on the Reform of Local Government

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Areas, but not of course of the third dealing with finance.

### *Knight's Annotated Model Byelaws (Volume II)*

By A. N. C. SHELLEY. Charles Knight, 1957. Pp. xi+201. 42s.

FOLLOWING on the first volume, which dealt with byelaws relating to new buildings, the second part of this eleventh edition of a standard work contains the annotated text of model byelaws and memoranda issued by the Ministry of Housing and Local Government, the Home Office, and the Ministry of Agriculture, Fisheries and Food.

### *The Rent Act, 1957*

By ASHLEY BRAMALL. Sweet and Maxwell, 1957. Pp. xvi+203. 12s. 6d.

THE purpose of this booklet, which is Number 13 in the *Current Law Guide* series, is to fit the detailed provisions of the statute into a coherent picture, to indicate how some of its more difficult provisions are likely to work, and to suggest tentative solutions to some of the problems of interpretation which are likely to arise. The texts of the Act and of the Rent Restrictions Regulations, 1957, are included.

### *Nationality and Citizenship Law of the Commonwealth and the Republic of Ireland*

By CLIVE PARRY. Stevens, 1957. Pp. liv+1021. £6 6s.

THIS is a comprehensive textbook to the complex nationality and citizenship laws of the Commonwealth. It comprises four parts, the first forming a general introduction to the subject, the second being devoted to the United Kingdom and Colonies, the third dealing in separate chapters with the various countries of the Commonwealth overseas and the fourth relating to the Republic of Ireland. Each chapter contains a general introduction and the annotated and commented text of the relevant statutes.

### *The Finance Officer in Local and Public Authorities*

Institute of Municipal Treasurers and Accountants. Pp. 106.

IN March, 1957, the I.M.T.A. held a small conference in Oxford to discuss the recruitment, training and functions of finance officers. Participants and papers were drawn from Central and Local Government, the Nationalised Industries, and the Hospital Services. Mr. J. Latham of the National Coal Board was Chairman. The papers and a resumé of the discussion are now available and make a very useful addition to the literature.

### *Social Policies for Old Age*

By MRS. B. E. SHENFIELD. Routledge and Kegan Paul. Pp. 236. 25s.

THIS is the best available general review of the provision made by public authorities for old people and of the economic and social problems presented by old age.

### *The British Statute Book*

By CHRISTOPHER HUGHES. Hutchinson. Pp. 168. 10s. 6d.

MR. HUGHES has provided us with an extremely useful introduction and guide to the drafting, passing, interpretation and other aspects of Acts of Parliament and Statutory Instruments.

### *Trial by Jury*

By SIR PATRICK DEVLIN. Stevens, 1956. Pp. viii+179. 15s.

IN this, the eighth series of Hamlyn Lectures, are considered the origin and composition of the jury, the jury as a judicial tribunal, the control of the jury, and the decline of the jury and its strength.

### *The Law in Action (Volume II)*

Stevens, 1957. Pp. viii+134. 10s.

THE subjects of this series of broadcast talks are provided by recent decisions of the courts which have given rise to speculation and controversy among professional lawyers and academicians. Sir Alfred Denning contributes a foreword and the material was edited for publication by R. E. Megarry.

### *Where to Look for Your Law (Twelfth Edition)*

Sweet and Maxwell, 1957. Pp. viii+190. Ordinary copy 7s. 6d., interleaved copy 15s.

## BOOK NOTES

THIS guide to sources of legal information comprises a subject index, an index of authors and titles, an index of current reports and periodicals, a list of law reports with their abbreviations, and a table of regnal years.

### *The British Journal of Administrative Law (Volume III, No. 2)*

Shaw and Sons, Jordan and Sons, 1957. Paging irregular. Annual subscription 45s.

THE Spring, 1957, issue of this quarterly includes an article by Francis Edmund Skone James on "The Performing Rights Tribunal" and the usual detailed Administrative Law Reports.

### *Canada's Immigration Policy*

By DAVID C. CORBETT. University of Toronto Press, Oxford University Press, 1957. Pp. xii+215. 32s.

THE author of this critique, which was published under the auspices of the Canadian Institute of International Affairs, considers the part to be played by Canada in the solution of world population problems. He treats in turn of the pressures brought to bear on the government in connection with immigration and the government's response to them, of the policy governing the admission or exclusion of groups of persons, of the administration of immigration policy and the extent to which this policy conforms to the rule of law and the principles of natural justice, and of the effect of immigration on Canada's economic development and international relations.

### *National Income Accounts and Income Analysis (Second Edition)*

By RICHARD RUGGLES and NANCY D. RUGGLES. McGraw-Hill, 1956. Pp. viii+452. 49s.

IN its general plan this revision follows the lines of the earlier edition written in 1948, though substantial changes and additions have been made to the contents. The aim is to build up a national income concept from the basic accounts of individual firms, government units and households.

### *The Sociological Study of Co-operation*

By HENRIK F. INFIELD. Education Department, Co-operative Union (Loughborough), 1956. Pp. 71. 1s. 3d.

THE American author considers the function of the Co-operative Movement in society, drawing on his experience of Co-operative undertakings from Palestine to Mexico.

### *Adventure in Play*

By JOHN BARRON MAYS. Liverpool Council of Social Service, 1957. Pp. 31. 3s. 6d.

THIS booklet contains the story of a ten-year experiment with a "junk" playground established on a bombed site in Rathbone Street, Liverpool. It is written by the Chairman of the Committee responsible for running the playground.

### *The Colliery Official's Handbook to the Mines and Quarries Act, 1954*

National Coal Board, 1957. Pp. 98+ xiv. 5s.

THE Board have published this handbook to enable colliery officials to understand those sections of this difficult Act and of the Regulations made under it which are likely to concern them in their daily work.

### *Lifting for Ambulance Personnel*

Chartered Society of Physiotherapy, 1957. Pp. 41. 1s.

THE leaflet states, with the aid of amusing drawings, the principles of posture and body management which should be followed when heavy weights are to be lifted.

### *The Measurement and Behaviour of Unemployment*

Princeton University Press, Oxford University Press, 1957. Pp. x+605. 60s.

THIS volume contains papers and comments derived from a conference organised by the Universities-National Bureau Committee for Economic Research. The various contributions cover the meaning and movement of unemployment and full employment, and the behaviour of unemployment in the United States,

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nine other Western countries and the Soviet Union. Special attention is devoted to statistical material which has become available in recent years.

### *The Housing Act, 1957*

Introduction by D. BARLOW. Sweet and Maxwell. Pp. 159. 21s.

THIS is a copy of the important new Housing Act briefly annotated by D. G. Valentine and with a four-page introduction of the most elementary kind by D. Barlow.

### *Coke-Burning Appliances*

The Gas Council, Grosvenor Place,

London, S.W.1. Pp. 410. 15s.

THIS is the fifth edition of the Handbook. It makes available to architects, builders and others a mass of detailed information about the many coke-burning appliances at present available.

### *Guide to the Scottish Legal System*

By LORD COOPER AND OTHERS. Cousland, Edinburgh. Pp. 99. 12s.

INTENDED more for laymen than for lawyers this collection of short essays deals with such matters as Criminal Administration, the Sheriff Court, the Scottish Land Court and the Lyon Court.

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## RECENT GOVERNMENT PUBLICATIONS

The following official publications issued by H.M.S.O. are of particular interest to those engaged in, or studying, public administration. The documents are available in the Library of the Institute.

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Report of the Committee. Cmnd. 218. pp. v, 114. 1957. 5s.

Minutes of evidence, 1956-57.

Appendix I to the minutes of evidence (memoranda submitted by persons and organisations who did not give oral evidence). pp. 124. 1957. 4s. 6d.

Appendix II to the minutes of evidence (supplementary memoranda submitted by witnesses who gave oral evidence). pp. 128-187. 1957. 2s. 6d.

Index to the evidence. Part 1: Minutes of evidence and appendices. Part 2: Memoranda submitted by Government Departments in reply to a questionnaire. pp. 16. 1957. 1s. 9d.

### BRITISH TRANSPORT COMMISSION

Ninth annual report and accounts 1956. Volume I: Report. H.C. 187-1. pp. vi, 92. 1957. 5s.

Includes report of progress made with modernisation and re-equipment of railways and settlement of Commission's finances for forthcoming reconstruction period.

Volume II: Financial and statistical accounts. H.C. 187-II. pp. viii, 273. 1957. 12s.

### CIVIL ESTIMATES

Revised estimates of the sums required in the year ending 31st March, 1958, for the National Health Service, England and Wales, and the National Health Service, Scotland. H.C. 212. pp. 57. 1957. 3s.

### CIVIL ESTIMATES AND ESTIMATES FOR REVENUE DEPARTMENTS

Supplementary estimate for year ending 31st March, 1958. H.C. 213. pp. 23. 1957. 1s. 3d.

### CIVIL SERVICE COMMISSION

Report of H.M. Civil Service Commissioners for the year ended 31st March, 1957. pp. 40. Tabs. 1957. 2s. 3d.

### COLONIAL OFFICE

Colonial development and welfare acts. Return of schemes . . . . . in the year ended 31st March, 1957. H.C. 200. pp. 39. 1957. 2s. 3d.

The Colonial Office List 1957. pp. vi, 464. Folding map. 1957. £1 15s.

Colonial Research Studies No. 23—a fiscal survey of the British Caribbean by A. R. Prest. pp. 136. Tabs., folding charts. 1957. 10s.

Constitutional proposals for the Federation of Malaya. Cmnd. 210. pp. 175. 1957. 5s. 6d.

This White Paper describes the more important changes in the proposed recommendations of the Constitutional Commission. The paper should be read in conjunction with the Commission's report.

### DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH

Road research 1956. pp. iv, 88. Tabs., figs., 8 plates. Bibliog. 1957. 5s. 6d.

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June and July, 1957. 2s. 6d.

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The training of teachers. Suggestions for a three-year training college course, 1957. Ministry of Education Pamphlet No. 34. pp. iv, 22. 1s. 9d.

### FOREIGN OFFICE

United Nations No. 1 (1957)—Report on the proceedings of the eleventh session of the General Assembly of the United Nations held at New York, 12th November-23rd December, 1956, and 2nd January-8th March, 1957, including reports on the

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two Special Emergency Sessions of the General Assembly held at New York in November, 1956. Cmnd. 189. pp. iv, 110. 1957. 5s.

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Housing return for England and Wales, 30th June, 1957. Appendix. pp. 78. 1957. 3s.

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Civil judicial statistics. Statistics relating to the Judicial Committee of the Privy Council, the House of Lords, the Supreme Court of Judicature, County Courts and other Civil Courts for the year 1956. Cmnd. 224. pp. 63. 1957. 2s. 6d.

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Department of Scientific and Industrial Research. Report for the year 1955-56. Cmnd. 213. pp. 314. Tabs. 1957. 9s. 6d.

### MEDICAL RESEARCH, COMMITTEE OF PRIVY COUNCIL FOR

Report of the Medical Research Council for the year 1955-56. Cmnd. 180. pp. vii, 270. 1957. 9s.

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Eighty-second annual report of the Public Works Loan Board, 1956-57. pp. 20. Folding tabs. 1957. 1s. 6d.

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Fourth report—Customs and Excise. Session 1956-57. H.C. 182. pp. xii, 150. 1957. 8s. 6d.

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Second report from the Committee. H.C. 211. pp. xii, 60. 1957. 4s. 6d.

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Report of the Supreme Court of Northern Ireland. Cmnd. 227. pp. 47. 1957. 2s.

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Report of the Air Transport Advisory Council for the year ended 31st March, 1957, and statement by the Minister of Transport and Civil Aviation. H.C. 233. pp. 54. 1957. 2s. 3d.

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